This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`

Dec. L.12 2.20

Harvard College Library

FROM

Indiana State Library

Indiana - Governors -

Messages and Documents of Winfield T. Durbin

Governor of Indiana

September, 1902, to January, 1904

Messages and Documents

OF

WINFIELD T. DURBIN,

GOVERNOR OF INDIANA.

September, 1902, to January, 1904.

INDIANAPOLIS:
WM. P. BURFORD, CONTRACTOR FOR STATE PRINTING AND BINDING.
1904.

HARVARD COLLEGE LIBRARY
DEC 30 1904
CAMBRIDGE, MASS.
Indiana State Library.

BIENNIAL MESSAGE OF THE GOVERNOR TO THE SIXTY-THIRD GENERAL ASSEMBLY.

Gentlemen of the Senate and House of Representatives:

The Sixty-third General Assembly of Indiana convenes at a time of universal prosperity. Peace, happiness and contentment more generally prevail than at the convening of any other session of the General Assembly in the history of our Commonwealth, and I join with the people of the State in returning thanks to the Giver of all gifts for the generous bounty He has bestowed upon us all.

Capital and labor are profitably employed and mutually satisfied; industrial and manufacturing enterprises are converting our resources into products which are being carried into every avenue of trade and commerce; the farm and factory are richly productive; railroad construction is opening new territory, and applied electricity is connecting our cities and towns into close neighborhoods.

As a result of your deliberations I bespeak a session fruitful of just and conservative legislation along the lines of the State's needs. Indiana's foremost position among the states of the Union has largely resulted from the progressive and conservative legislation of its General Assemblies. You are commissioned directly by the people to enact laws for their government and protection and I am sure that you will reflect by your actions the will of the people.

Party responsibility attaches to the administration of State affairs, but partisan politics, as a motive, has no place in its management or control. The best politics is exemplified in fidelity to official duty and the protection of the interests of those whom we serve. Without any abatement of loyalty to our political convictions, let the master motive be one of serving the State by giving it our patriotic services, to the end that Indiana may continue to be one of the most progressive and prosperous states of the Union.

STATE'S FINANCES.

The financial condition of the Commonwealth is one that can justly claim the pride of every good citizen. Each individual taxpayer in Indiana is a stockholder in the great business affairs that so largely form the responsible duties of State administration. Not only in the receipt and disbursement of taxes and fees is there care and judgment to be exercised, but a paramount obligation of loyalty to the requirements of the statutes must be enforced. Any haphazard, tentative policy of dealing with the finances of the public is a monstrous wrong, and can but result in extravagance, waste and official scandal. The fact that the money in the State's treasury is the contribution of the people for the purpose of good government is, of itself, sufficient reason why a jealous guardianship should be associated with its disbursement, and, as a business proposition, there can be no justification or toleration in not requiring fidelity in accountings, detail in itemization, and a strict construction of the appropriation acts as to the latitude of expenditures. Public fiscal methods should be the exemplar not only of eclectic principles and practices, but in all that is so diversely associated with careful, conservative and cleanly business management. Other states have separate bureaus with retinues of officers and clerks for insurance, building and loan, banking, lands, railroads and varied departments of governmental oversight, that furnish meagre duties and substantial salary lists, but Indiana saves this unnecessary expense by merging under central authority these subordinate divisions, thus not only saving thousands of dollars in superfluous expenses, but giving the public much better and more methodical service. The incidental factors that have given to the taxpayers substantial records of the admirable and purely business financial status of our beloved State, are liberal appropriations for the maintenance of every State institution, the practice of economy, uniform fiscal methods, the exclusion of parsimony and waste due to careless discipline, the identity of the dollar in accounting from purchase to consumption, and the employment of all surplus revenues to debt reduction instead of permitting the same to needlessly swell the idle balance in the treasury.

The tax rate in Indiana is one of the lowest of any of the states of the Union, and when the growing necessities, both as to perma-

nent improvements and yearly maintenance, are taken into account, was never as light as at present. The State revenue and benevolent institution levies of fourteen cents are really all that go into the general fund. The school revenue is redistributed on a statutory basis; the slight specific levy for the State debt can be used only for its prescribed purpose, and the one and two-thirds cents to the educational institutions, aggregates the 29⅔ cents of the State's share of taxes. The average rate in Indiana is about $1.50 on the $100, so it will be seen the burdens of taxation are local. Permit me to suggest that the problem involved in the solution of high tax levies is associated with township, county and city governments. There never was a greater demand for careful and economical business administration of local public trusts than at present. The careless or shiftless handling of public revenues inevitably produces extravagance and deficits, and in this age of practical economics there is no room or reason for prodigality, political pensions, or selfish interest.

The aggregate taxes of the State revenue and benevolent institution funds, collected in 1902, were $2,018,748.50. The amount of fees paid into the treasury by the State officers was $392,035.02, making an aggregate of $2,413,783.52, which, with incidental minor collections from receipts and earnings of the different institutions of the State, constituted the general fund. The total tax duplicates of the State is $1,397,981,497; the amount of mortgage exemptions is $35,169,250; the amount of delinquent taxes is $2,633,499.51. I especially direct the attention of the Legislature to this excessive delinquency. The Legislature of 1897 sought to correct this great wrong in increasing the county treasurer's commission on delinquent collections from 4 to 6 per cent., but this has not proven entirely efficient. That delinquent taxes can be collected needs only the scanning of settlement sheets in counties where official duty has been performed. Too often the cause for not compelling delinquents to pay is the fear of political consequence in renomination or election. If the Legislature, in its wisdom, can enact a remedy, it should be done. I suggest that the law now limited to Marion County be applied to the whole State, namely, to allow the county treasurer to pay fifty cents as a demand fee for collecting delinquent taxes on personal property, or

for collecting delinquent poll tax. This law has proven a most efficient means for collecting delinquent taxes from those who own no real estate.

The debt reducing policy has been steadily pursued, and I am gratified to announce that since the last biennial session of the Legislature the following payments have been made:

June 29, 1901, 3 per cent. school refunding bonds.....	$300,000
Jan. 2, 1902, 3 per cent. school refunding bonds.....	317,000
July 26, 1902, 3 per cent. school refunding bonds.....	1,000,000
Jan. 5, 1903, 3 per cent. school refunding bonds.....	200,000
Total	$1,817,000

Of this amount $793,963.34 accrued from the special levy, and the balance, or $1,013,036.66, was derived from the general fund, $635,859.20 of which being the amount of the war claim for interest and discounts collected from the general Government. The annual interest charge now is $95,565. The unpaid balance of the State debt is $2,687,615.12, which is represented as follows:

3 per cent. refunding bonds, 1889.....	$1,113,000 00
3½ per cent. temporary loan, 1895.....	585,000 00
3½ per cent. temporary funding loan, 1895.....	500,000 00
5 per cent. Purdue University, 1900.....	340,000 00
5 per cent. Indiana University, 1887.....	144,000 00
State stock certificates.....	5,615 12
Total	$2,687,615 12

Of the above amount $1,113,000 of 3 per cent. bonds have the optional clause and are redeemable at the pleasure of the State; the $1,085,000 3½ per cents. can not be paid until 1910, and are due 1915; the $340,000 5 per cent. bond, in accordance with the act of Congress requiring the State to perpetually guarantee this bond and rate of interest, was, by an act of the Legislature of 1901 (pp. 34-35), renewed April 1, 1901, by the Governor and State Treasurer for twenty years. The 5 per cent. bond for $144,000, due to Indiana University, is also perpetual, so that the principal of these amounts can never be paid. The State stock certificates,

$5,615.12, are internal improvement certificates, the interest on which has ceased, and although the State has published far and wide its desire to redeem the same, only $1,000 has been presented in recent years, so that it is fair to presume this remaining amount lost. This practically reduces the debt to $2,198,000. I deem it the part of financial wisdom to continue the debt-paying course and retain the present State debt sinking fund levy. The steadfast purpose of the Commonwealth should be to free itself of debt and interest and then maintain this condition. There is an approximate identity between the individual in debt mortgaged by fixed charges of interest, and the State, which is but the composite of its citizenship, with bonds and attendant coupons inexorably sapping tolls from the treasury. The individual free from financial shackles and the Commonwealth independent of bonds and bondholders, combine both abstract and concrete evidence of prosperous conditions, and relative to the State are inviting to investments, business enterprise and substantial citizenship.

The claim of the State against the Federal Government for interest and discounts on its bonds and obligations, made necessary in the recruiting, equipment and maintenance of the volunteer soldiers of Indiana in the war for the Union, was presented to the Treasury Department by Attorney-General Taylor and the accounting department of the State, and the sum of $635,859.20 was paid. This amount was immediately applied in liquidating the State debt, and was included in the $1,000,000 payment on July 18, 1902. This claim was an original one on the part of Indiana, and its collection was made possible by Congressional action legalizing interest and discounts as a proper charge in the war expenses of the State, authorized by the Federal Government. Its collection was without any fees or costs, the officials of the State presenting and prosecuting it to a successful conclusion. In addition to the services of the State authorities in this matter, the Congressional delegation rendered valuable aid in furthering legislation and securing a prompt appropriation for this just, though tardy, reimbursement.

I would recommend that the tax levy remain unchanged. With the accruing revenues to the general fund, and the fees from the different bureaus of State government, there will be ample re-

sources to provide for all the legitimate expenses of the Commonwealth, make sufficient appropriation for the maintenance and repairs of our institutions, and keep pace with the growth and necessities of the State in continued enlargement and construction that from year to year may be necessary.

BANKS AND TRUST COMPANIES.

The State banks, trust companies and savings banks are in a flourishing condition. It is a matter of congratulation that these financial agencies of the people are in a position of assured strength and under such careful, conservative management that the public has little fear or alarm as to future conditions. The history of banking institutions in Indiana in the past few years has been one singularly free from experiment or danger. There has been no failure in any of the State banking institutions during the past two years, and no losses have accrued to a single depositor.

There are now one hundred and fourteen State banks. They are required to make sworn reports five times each year, and, in addition, are regularly examined at least once a year. The statement of condition on October 31, 1902, showed that the aggregate capital was $4,884,490, with a surplus of $915,443.78. They had bills receivable amounting to $18,805,135.86 and deposits amounting to $20,547,906.52. This is the largest volume and the most satisfactory condition of business ever known in the banking history of Indiana.

The law ought to be strengthened in that the establishment of branch or collateral banks should not be permitted. At the present time the law is silent upon this proposition, but there is an inclination, occasionally, to do a branch banking business as offshoots from a single organization, which, in my judgment, should not be permitted.

There are a very large number of private banks in Indiana. The law treats organizations of this character as co-partnerships, and fixes the financial responsibility accordingly. I recommend to the Legislature that the law should definitely fix a capital to be fully paid in cash as a basis for private banks, the minimum amount being $25,000, the same as now provided for in the organization of State banks.

There has been an increasing number of trust companies organized each year since the law was passed. At present there are thirty-seven. They are uniformly prosperous and occupy the fiduciary fields in their respective locations. For the fiscal year ending October 31, 1902, the trust companies of this State had a capital stock of $4,860,000, and a surplus of $465,947.74. They had loans amounting to $11,438,269.52 and total assets of $19,327,212.47. Their deposits on account of savings amounted to $5,088.86. Trust companies are occupying the place of savings banks, becoming the depositories of persons husbanding small savings, in addition to their more legitimate province in the segregation of trust funds.

The average rate of interest paid by these companies for savings is generally 3 per cent. per year, compounded semi-annually. There is a growing tendency on the part of a number of trust companies to do a semi-banking business. The statute is not clear in its limitations. It should be amended so that they could not invade the field of commercial banking, but should be restricted to the intent of the law, confining their operations to a trust field and not general or commercial banking.

There are five savings banks in Indiana, with deposits amounting to $7,812,157.46, and a surplus of $489,041.03. Their loans on personal security amount to $970,796.40; on mortgages, $4,374,851.52, and on bonds and stocks, $1,320,041.83. The average dividends paid by the savings banks of Indiana to their depositors during the biennial period amounts to $225,000.

THE SOLDIERS' AND SAILORS' MONUMENT.

On the 21st day of October, 1901, the Board of Control of the State Soldiers' and Sailors' Monument officially reported to the Governor the completion of the monument, after a period of almost fourteen years since ground was first broken for the foundation of the massive shaft. The records show that the entire cost of the monument aggregates $598,318.76.

The monument is a source of pride to every citizen of Indiana. It is the greatest soldiers' monument on earth.

On the 15th day of May, 1902, this monument was formally dedicated. The Mexican War Veterans, the Grand Army of the Republic, the Spanish-American War Veterans, the Indiana National Guard, and other organized military and civic associations, together with a vast concourse of citizens, participated in the dedication. The ceremonies incident to such dedication were worthy of the magnificent memorial to Indiana's heroes of all the wars in which the soldiers of Indiana have participated. By law the battle flags carried by the Indiana soldiery in the war of the rebellion were for the last time taken from their receptacles in the State House and were carried in the great procession by those who had rallied around them in the awful storm of war. From every part of the State patriotic citizens came to witness the ceremonies. Not only officials of Indiana, but officials and representatives of other states united in the solemn rites. Members of every regiment that left Indiana from 1861 to 1865 to help preserve the Union surrounded the tattered flags they once carried in battle. The few remaining numbers of once strong regiments emphasized the truth of how great is the havoc of war. Indiana is justly proud of her great monument, which stands as a perpetual tribute to the heroes, living and dead, who aided in saving the Union.

THE SHILOH PARK COMMISSION.

Under the provisions of an act of the Legislature of 1901, creating the Shiloh National Military Park Commission, for the purpose of properly establishing monuments commemorating the part Indiana's soldiers took in the battle of Shiloh during the war of the rebellion, I appointed as members of the commission Thomas B. Wood, John F. Wildman, Edwin Nicar, George E. Gardiner, Benjamin Hutchens and Nicholas Ensley. The report of the commission shows that their labors have been industriously and faithfully prosecuted. Twenty-one monuments were contracted for, and it was expected that the dedicatory services would be held September 24th and 25th of last year, but unavoidable delay incident to transportation of materials has delayed the work and the dedication has not now been definitely decided upon. Because of this delay, the $21,000 appropriated for the monuments lapsed into

the treasury at the close of the fiscal year, and also $1,929.68 of the $4,000 appropriated for expenses. I recommend that these unexpended balances be re-appropriated in order that the commission may complete the purpose of their labors.

NANCY HANKS LINCOLN MONUMENT.

On the 1st day of October, 1902, it was my pleasure and honor to accept, on behalf of the people of Indiana, a granite monument erected at the grave of Nancy Hanks Lincoln, mother of the martyred president, at Lincoln City, Spencer County. The memorial was the free-will offering of Mr. J. S. Culver, of Springfield, Illinois, and the dedicatory services were in keeping with the character of the pioneer mother who gave to the world a name synonymous with human liberty—a son of humble origin who achieved immortal fame. As a mark of esteem of Mr. Culver's kind thoughtfulness and generous deed, I recommend that the General Assembly, by joint resolution, or otherwise, express appreciation of the donor's munificence; likewise a vote of thanks to the Commissioners and citizens of Spencer County for land donated surrounding the last resting place of the mother of the great Emancipator.

I further recommend that suitable provision be made by appropriation to put the grounds in proper order and maintain same.

STATE LABOR COMMISSION.

The State Labor Commission, operating under the wise and beneficent law created by the Sixty-first General Assembly, has accomplished great good, and the work so industriously and conscientiously performed by the commissioners, Messrs. L. P. McCormack and B. F. Schmid, has been of such a character as to attract favorable attention throughout the country. During the past two years this commission has made satisfactory adjustment of forty-two labor controversies, involving 202 firms and 10,000 employes, not including nearly a score of boycotts lifted during that period. For various reasons, a large part of the work of this commission, such as advising with employes, drawing up wage agreements and doing other acts for the promotion of industrial har-

mony, does not become a matter of public record, but there is ample proof that the good results accomplished far exceed the expectations of the framers of the law. In pursuing investigations and acting in the capacity of arbiters, the commissioners have proceeded with admirable conservatism, basing their rule of conduct on the broad principle that the rights of all persons concerned in a controversy are entitled to unbiased consideration. I am convinced that no other state in the Union is so fortunately situated as Indiana with reference to the amicable relations between the employing and the working classes, nor is there to be found anywhere better laws for the protection of these respective interests. The contract system especially, as it relates to the coal industry, has proved satisfactory, and experience has shown that it is one of the most effective means yet devised for maintaining harmonious relations between employers and employes. Recently a request was made to me by the president of the United Mine Workers of America for a statement concerning the operations of the Indiana law bearing upon the arbitration of labor troubles by the intervention of commissioners duly authorized to take the initiative, and it was my pleasure to submit a statement for the consideration of the commission appointed by the president to investigate the lamentable anthracite coal strike which, I dare say, will have the good effect of creating even more favor in behalf of the advanced stand taken by the law-making power of Indiana with reference to one of the gravest problems that has ever confronted the American people. It should be the constant aim of all right-thinking men to encourage, by every possible means, the growth of tolerance between man and man, regardless of class or station, especially in the relations of employers and employes. Their interests being mutual, there is no valid reason why any feeling of enmity or resentment should exist. The Indiana plan, which provides that men disposed to strike shall continue at work, pending arbitration through the medium of accredited representatives, is most highly commendable because it insures to the families of workingmen maintenance that would be denied them under a condition of general suspension of labor during the period of efforts at settlement, as recently witnessed in Pennsylvania.

MINE INSPECTION.

The report of the Mine Inspector exhibits the work most intelligently done in that department. The mines of Indiana are increasing in number and there are employed therein in this State about 13,000 miners. I am glad to report that never in the mining industry of Indiana have so many mines been in operation or so many miners at work. It is further a matter of congratulation that none of our miners are out on a strike, but that their wages have been gradually increased, and the material prosperity of these miners was never so general or generous as today. Mining is one of the great industries of the State and is constantly growing. The working conditions have been greatly improved and I commend the work of the Labor Commission and the Mine Inspector and his deputies in their efforts to assist in the improvement of working conditions and the material prosperity of this great body of workmen in our State.

FORESTRY.

The subject of forestry is now engaging the earnest attention and consideration of practical men, as it is realized that unless immediate and active steps are taken to preserve the timber now growing and to provide for future needs by forest propagation, it is but a matter of a few years until the timber supply of the State will be entirely exhausted.

The attention of the members of this General Assembly is directed to this important matter, and it is recommended that forestry be given careful thought and deliberation to the end that ample means may be provided to enable the forestry commission to intelligently prosecute practical forestry work as intended by the law creating the department.

The future value of forestry, as a practical business industry, will have to be determined largely by experiment in order to demonstrate to the people the financial worth of the institution.

BOARD OF STATE CHARITIES.

The work of the Board of State Charities is of inestimable value. Its supervision over the benevolent, charitable and correctional institutions is of special value and adds materially to the efficient, humane and economical management of these institutions. I especially commend the services of Mr. Amos W. Butler, Secretary of the Board of State Charities, who, in a signal manner, has been faithful to the responsible duties of his position.

STATE BOARD OF TAX COMMISSIONERS.

Experience has demonstrated that the amendments to the tax law made by the Legislature of 1901, in that the assessment of street and electric railroads, inter-county gas and pipe lines, etc., is now delegated to the State Board of Tax Commissioners, have given more uniformity to values, because of the merging of this class of property within the province of a single taxing authority. It has been the aim of the State Board of Tax Commissioners to equalize the value of corporate property in conformity with the revenue law of the State so that the physical elements of the property and earning capacity, as demonstrated by receipts and operating expenses, would place each corporation upon such a basis that it would pay to the State in proportion to its real value. The assessment and equalization of nearly $200,000,000 of values is one of the greatest responsibilities devolving upon the public duty of any of the bureaus of this Commonwealth, and it requires a fidelity and judgment that, from the different standpoints of basis, can deduce an assessment that will be alike fair and equitable both to the parties in interest as investors and the State from whom the parent franchise was obtained.

The statute of 1901 specifically taxing transportation companies should be so amended that it would be treated as an excise tax or license payable directly to the Treasurer of State. These companies do not traverse, generally, the different counties of Indiana, but operate from east to west on trunk lines, so that the values are distributed upon the records of quite a number of counties, but in such minor amounts as to render the revenue to any one county insignificant.

The statute authorizing the annual meeting of the county assessors has been of much benefit in that it has helped to equalize values in the assessment of personal property, and by the interchange of information between counties there has resulted the discovery of quite an amount of omitted property.

The time of county boards of review ought to be extended so that where business requires they may remain in session forty-five days instead of the present limit. There are a number of counties in Indiana where the interests are so large that justice can not be done either the State, individual or corporation within the present prescribed term. The larger counties should have more time than the statute now prescribes, and I would suggest that the limit be fixed at forty-five days at the option of the different boards of review based on the amount of business to be transacted.

CREATION OF BUREAUS.

I consider it is timely to direct attention to the fact that in Indiana we have been creating bureaus at a prodigious rate; some desirable, others of small practical consequence, and still others that are next to needless. The result of this tendency to a bureaucracy is especially pernicious in that the creation of a new department marks only the beginning of demands on the treasury for "more." Additional deputies, additional excuses for spending money in order to provide preferred persons with employment, are matters with which each succeeding Legislature is called upon to consider in connection with general and specific appropriations. While we should endeavor to lend encouragement to every movement honestly designed to be helpful to public interests, we can not afford to be unmindful of the rights of citizens who are taxed for the support of such departments or bureaus, especially in cases where the preponderance of evidence indicates that private gain is the motive rather than righteous regard for the public weal.

LEGISLATIVE COMMITTEE.

The work of the Legislative Committee, while being a new departure, is one of the most valuable reforms authorized by statute. Its labors are very arduous and comprehend in scope every feature of institutional necessity and management. The personal inspec-

tion of buildings and grounds, examination of books and needs, is embodied in recommendations to the General Assembly. In accordance with the statute I appointed as the committee to make a report to the Legislature, Senator Fremont Goodwine, Representatives Henry W. Marshall and Joseph M. Cravens, and I commend their work and conclusions.

NON-PARTISAN BOARDS.

Under the law all of the boards of the penal, correctional and benevolent institutions are non-partisan, excepting that of the Indiana State Prison. Recently, in filling a vacancy on this Board, created by resignation, I made this Board also non-partisan.

THE STATE'S INSTITUTIONS.

The public institutions of Indiana, for the support of which the State makes such liberal provision, are to be commended for their conditions of general excellence. The boards of management are carrying into effect the admirable provisions of law whereby the merit system, humane methods and business detail are enforced, thus securing the very best administration in the discharge of all the multiplied duties and cares, and guarding expenditures without narrow restrictions, but within lines of prudence and economy. There are no deficits to be considered by this General Assembly.

INSANE CONVICTS.

The proper care of the insane convicts has, I believe, been satisfactorily solved. There had been an embarrassing condition at the Indiana Prison because of the number of insane inmates, with no place for detention except in the prison cells. The Board of Managers and Warden Reid, of that institution, after careful investigation, provided for their care in a ward connected with the hospital, which has proven satisfactory, and I do not believe any legislation is necessary at this time.

THE NUMBER AND PAY OF MEMBERS OF STATE BOARDS.

The various boards in control of the State institutions are, by law, composed of members varying in number. Most of these boards have three members, but some have four, five, eight and nine members. The members of one-half of the boards receive as compensation $300 per annum, and expenses not exceeding $100. Three of them receive $500 per annum by law and one the same amount by appropriation, although the law provides but $160 per annum. One receives $5 per diem and actual expenses, while one receives same pay as provided for members of the Legislature. Another receives mileage and per diem. I recommend that there be uniformity in the number of members composing the boards and also as to the compensation.

HOMES FOR THE CHILDREN WARDS OF THE STATE.

The great value to the State derived from the existing law which authorizes the appointment of agents to look after the wards of the State who are released from public institutions, is universally recognized, as shown in the supervision of dependent children, of the men from the Reformatory, and the boys from the Reform School. Orphan asylums of Indiana, both public and private, have seen the results of this work and are now turning their attention to the finding of homes for the children under their care.

Provision should be made for such agents to secure places for and to exercise constant supervision over those taken from the Soldiers' and Sailors' Orphans' Home, and also from the Industrial School for Girls. This will, without doubt, increase the number of those who will successfully go into life, and decrease, as a consequence, the cost of maintaining the institutions. What these children need is the influences of a good home. Home life is better than institutional life, and I recommend that such institutions be authorized to employ an agent or agents, with proper duties and powers of selecting places for and exercising watchful care over children from the Soldiers' and Sailors' Orphans' Home and the Industrial School for Girls, and that proper additional appropriation be made therefor.

INSTITUTIONAL EMERGENCY FUND.

The Governor's Institutional Emergency Fund carries an appropriation of $30,000 annually to be at the disposition of the chief executive for emergency uses as are inevitable in connection with the State institutions. It is a prudent precaution because of the liability of fires, cyclones and omissions from the regular appropriation act, and I heartily endorse the continuation of this item. There was a balance reverted to the treasury from this fund, for the fiscal year 1901, of $27,447.03, and for the past fiscal year, $20,598.69. Of the amounts expended, $3,108.67 was for the Indiana Reformatory. The new cell-house had been completed before the regular appropriation was available, and, to expedite furnishings, I advanced the above amount from this fund. The regular appropriation was not used and lapsed into the treasury. Because of a cyclone last spring, the grounds and buildings of the Soldiers' Orphans' Home at Knightstown were damaged, and I paid on this account $268.51. The appropriation for a new building at the Eastern Hospital for the Insane was found to be inadequate. The Board of Trustees and Superintendent, before contract was let, conferred with the chief executive, and rather than delay the building, I paid $3,259.30 from this fund, believing, with the Board of Trustees, that it was wise business judgment to do this rather than delay erection, awaiting a specific appropriation from this Legislature.

I discovered, after the adjournment of the Legislature of 1901, that in reporting the deficiencies to that Legislature by the Superintendent of the Feeble-Minded Institute at Fort Wayne, that there had been purposely omitted $5,317.87 for materials furnished in the building known as Colonia. Accompanied by the Attorney-General and Auditor of State, I made an exhaustive investigation of the causes for this deficiency and found that it was being nursed by the Superintendent, without the knowledge of the Board, with the intent of being reimbursed from an appropriation made by the last General Assembly for other specific purposes. The investigation developed that this deficiency was being carried in the shape of notes and due bills with the guarantee of the Superintendent that payment would be made with interest from the said

appropriation. The law would not admit of any such payment. There was no question of loss to the State on account of the materials furnished, but the principle that would carry an unauthorized indebtedness with the expectation of payment from an appropriation that did not contemplate this expenditure was in every way pernicious. I have accordingly paid from my emergency fund this amount less interest and carrying charges.

SURVEY OF KANKAKEE LANDS.

By the gradual lowering of the water of the Kankakee basin, and the narrowing of the Kankakee river, a large amount of land has been redcemed from overflow. Much of this land has never been surveyed, and at the last session of the General Assembly a provision was inserted in the appropriation act, authorizing me to appoint a competent surveyor to run the levels along the Kankakee river from the Illinois state line to the crossing of the Kankakee river by the Pittsburgh, Fort Wayne & Chicago Railroad. Also to survey the swamp lands belonging to the State and located in the counties lying in the basin of the Kankakee river. In accordance with such authority, I appointed Mr. George W. Parks, of Lafayette, who has made an excellent survey with plats, profiles and blue prints. The work to be done was much more extensive than at first supposed and the $1,000 appropriated was not sufficient to pay for the entire work. I took the responsibility of directing the surveyor to proceed with the survey and have paid Mr. Parks $300 out of the civil contingent fund. It will require about $1,000 more to pay all expenses necessarily incurred and to be incurred in carrying out the purpose of the law. From the report of the surveyor it appears that there are about nine thousand (9,000) acres of land within the meander lines that presumably belong to the State, some of which certainly does, and has become valuable.

CONVICT LABOR.

Some time ago I invited representatives of organized labor to consider with me the subject of convict labor. We visited the State Prison and the Indiana Reformatory in order that the representatives of labor might for themselves see and investigate our sys-

tem of dealing with the subject. I also interested gentlemen engaged in manufacturing, and further selected one member of the Board of Managers of the State Prison and of the Reformatory, requesting them all to give the subject thought, gather information and offer suggestions as how best to solve the problem. A few weeks ago the matter was discussed in conference with me by all the said representatives. No satisfactory substitute for the present system was decided upon. It is a question of large proportions, and many elements enter into it. I submit for your consideration the following report from the Board of State Charities:

"The question of convict labor is one of the several features of the prison problem. The purpose of a prison is to protect society by confining the prisoner, and to reform him, if possible. Work is one of the necessary things with which he must be supplied. Other essentials are food, water, clothing, shelter and medical treatment.

"The solution of the convict labor problem, in so far as it relates to Indiana, is one which is now pressing. The contract at the State Prison will expire in October, 1904; those at the Reformatory, through the spring and early summer of 1906. It is imperative, then, that the coming Legislature shall settle this question, in so far as it relates to the State Prison. Under the present law no more contracts for convict labor can be made. What shall we do?

"There are three recognized systems for the employment of convicts: the lease system, the contract system, and the public account system. The two latter are each represented by two different types. The contract system may be either for a stipulated wage per day, or at an agreed price for each piece of work done. The latter is called the piece price plan. The public account system is also conducted in two ways. In one, the convicts are worked by the State, which furnishes the capital and disposes of the product to the public, the same as any other manufacturer. This system is generally termed 'State Account.' The other is a more restricted form, in which the State employs the men in its own factories and furnishes the capital, but restricts the sale of the product to the public institutions and political divisions of the Commonwealth.

"The lease system is that which is in vogue principally throughout the South. The convicts are leased to the highest bidder, who

may or may not furnish officers to guard them. They are largely employed upon public works and plantations. The abuses of the lease system have been notorious, and the sentiment of the people is becoming aroused to the undesirability of having convicts employed publicly, under the gaze of all passing, until one State after another is abandoning this system. Attempts have been made in states in the North to employ convicts upon roads and other public works, but this has uniformly proven unsatisfactory. The inclement weather, the expense of transporting, housing and guarding the men, and the fact that it is contrary to public sense to have persons in the convict garb exposed to public view, as well as local protests against their employment for various local reasons, have all combined to render such use of the convicts impracticable. Still more, such employment is degrading rather than uplifting.

"Different states have, at one time or another, tried the public account system. In a few institutions it has proven fairly satisfactory, but generally it has not. Illinois tried it for a number of years, and the Legislative Committee appointed to investigate the system reported a loss, during the four years and five months' management, of $314,212. The Committee further said: 'It would be a measure of economy for the State to feed, guard and clothe the convicts by direct appropriation and leave the labor unemployed, rather than to engage in manufacturing.' It is our understanding that the State Prison of Minnesota has two industries: one, the manufacture of binder twine, run on public account; the other, the manufacture of shoes, contracted on the piece price plan. This institution has been in good hands and has been successful financially. We are informed that Kansas, North Dakota and Canada each tried the manufacture of binder twine on public account; that the results have not been so satisfactory in any of these cases, and that Canada has decided to quit the business. Workhouses in Cleveland, Toledo and elsewhere have been conducted on the public account plan, with greater or less success financially. In Massachusetts, under the public account system, the prisons and reformatory manufacture goods, which are sold first to the institutions of the state, and any surplus may be disposed of to the public. New York has adopted the state use system, which has been in operation for five years. Under it the prisons manu-

facture goods for the use of the institutions and lesser divisions of the state. They can sell to no one else.

"The system was experimental in New York. At first there were objections from some of the labor interests to the prisons doing certain kinds of work, which resulted in the typographical union securing an amendment to the law prohibiting them doing much of the public printing. In the attempt to frame a law to establish a theoretical thing, without any previous experience to guide, mistakes were made, as was to be expected, and limitations and restrictions were imposed which interfered with the proper operation of the law. While amendments have been made, and it is yet, after five years' operation, variously reported as satisfactory or unsatisfactory, depending upon the persons from whom the information is received, those who have investigated the system as illustrated there do not feel yet like giving it their approval. Even if it should work out fairly satisfactorily under a definite law, by persons who are continued in office sufficiently long to establish a satisfactory system, they feel there is the continual danger of the opposition of any labor interest which may feel itself aggrieved, or of politicians to secure a desired end, or of amendments to the law which would seriously interfere with its success.

"The other side of the question is that of those in charge of institutions which are supplied with these prison made goods. Almost uniformly they are strong in their criticism of the law, stating, it is said, that the goods received are inferior and cost more than they would if bought on the market; that delays are long and frequent, and that at times when goods are received they are not what is desired. It is said that the unfortunate public wards who are cared for in other institutions are discriminated against by the operations of this system.

"That in use in Massachusetts seems to be the most satisfactory of the public account systems. It will be well for us to study it in connection with the New York plan, and possibly from them both we may learn something that will be to our advantage.

"The existing law in Indiana, so far as the State Prison is concerned, restricts the number of men employed to practically half the population, the number on any one contract to one hundred, and the time to eight hours a day. It is perhaps the best effort at

restricting the contract system that has been attempted. The conditions existing in our State are more satisfactory, we are informed by students of the labor problem, than in any of our surrounding states. With the end of the contracts at the Reformatory at Jeffersonville, the law providing for the proper education and training of the young men in that institution should be fully enforced. This will keep them employed, and at the same time teach them that by which they can earn their living when they go forth, and further, will relieve the institution of the evils of the contract system. No reformatory can do its proper work and have its inmates employed upon contracts. Therefore, the only serious question that comes before us at this time is the best method of employment at the State Prison. Inasmuch as there has been no satisfactory solution of the convict labor problem and as certain states are experimenting in that direction, would it not be wiser for us to extend our present law, so that conditions may remain substantially as they are at the State Prison for a few years until some satisfactory solution has been had, without the effort or expense of conducting what may possibly be an unsatisfactory and unprofitable experiment. Perhaps the existing law might be amended by providing that some of the remainder of the population not employed on contracts might be utilized to test for ourselves the public account system."

MUNICIPAL AND SCHOOL CORPORATIONS.

There is a continuing friction between municipal and school corporations so far as the constitutional limit of bonded debt is concerned. Under the operations of the present law the municipal government can cover the full statutory limit of debt and so can the school corporation. The line of distinction is not as clear in the statute as it should be, and I earnestly recommend that the General Assembly amend the law by making definite provision that there can not be incurred by municipal and school corporations combined any debt beyond the present constitutional limit. In this connection I would suggest that hereafter bond issues by county, municipal or school boards, or by the State, can only be made with a provision for optional payment after a period of ten years from date of issue.

Also, in this connection, I suggest your earnest consideration of the proposition of exempting all State, county and municipal bonds from taxation. As the law now stands, all public property is exempt from taxation and these bonds being the public property of the public corporations of Indiana, it would seem appropriate that such obligations should not be taxed. I make this as a suggestion rather than a recommendation. I do, however, desire to emphatically approve the policy of constantly and as rapidly as possible, paying off the public obligations, and as far as possible restrict the issuance of new obligations by any of the public corporations of Indiana. Perhaps there is no public evil today fraught with so great injury to the public interests as the ready issuance of State, county or municipal bonds. We should be a debt-paying, and not a debt-creating State. We should set our faces against the issuance of additional bonded obligations. Cities and counties, as well as the State, ought not to mortgage their future. I believe the people of this Commonwealth most heartily approve of the constitutional restrictions against increasing the public debt. The combined school and civil debts of all public corporations should not exceed the 2 per cent. limitation fixed by the constitution.

FIRE LOSSES AND INSURANCE.

One of the utilities most intimately associated with our citizenship is that of insurance. I am pleased to say to you that the stigma of Indiana's being the home of "wild-cat" insurance has been substantially removed. The assessment law of 1883 should be repealed and statutes plain and direct enacted that will prevent life insurance by shares or bearing the taint of "graveyard" insurance. Assessment insurance, other than fraternal, has been the source of inestimable loss, deception and disappointment, and the time must soon come, if it has not already arrived, for the State to add greater safeguards.

I recommend the enactment of a fire marshal law, modeled after that of the State of Massachusetts. The fire loss is directly responsible for excessive premiums. There is just cause for complaint because of high schedules, but with a daily conflagration loss of $400,000 it can be readily seen that rates to maintain

solvent indemnity must be on a parity. A comparison of the fire insurance reports of Indiana and other states for three years past is a compendium of losses that has severely tried the stability of many of the standard companies, and driven into liquidation or reinsurance a number of reputable and conservatively managed organizations. In states where fire marshal laws have been enacted, better conditions prevail, and when these laws are general, fire losses can but be less and premiums thereby lowered. A fire marshal statute, properly enforced, will decrease the loss ratio in fire insurance. To require by law that property shall be kept in an insurable condition, to officially investigate and control building construction, to pursue and punish incendiarism, to investigate causes and carelessness, are the general remedies sought to be applied in the fire marshal legislation of recent years. The revenue accruing to the State from insurance fees and taxes last year was $279,885.74, and it is due the insured and insurer that laws of reciprocal benefit shall be passed, especially when the effect will cheapen premiums.

The law in relation to special-charter companies should be amended to require State supervision and examination. It should be a penal offense to solicit insurance for an unauthorized company. The evil of placing irresponsible insurance by correspondence can not be reached by State statute, but Congressional legislation bearing on frauds, will, it is hoped, soon deprive these worthless corporations of the use of the mails. I suggest the laws be so strengthened as to prevent the debenture, so-called co-operative investment, mining, oil and kindred alluring concerns that can not comply with an arbitrary standard of statutory requirement, from imposing upon the public. In these times of universal prosperity there is a multiplication of worthless combinations preying upon the credulity and confidence of the people, and while vigilance and heroic action has in large measure prevented their invasion of Indiana, it is only by explicit statutes and severe penalties that the future can certainly be closed against their open depredations.

I also recommend that the statute be broadened as to the class of securities foreign insurance companies shall possess in order to be admitted to Indiana. It should be amended so as to include municipal and county bonds of other states. Perfectly solvent and

reputable fire companies have withdrawn during the past two years, because they could not profitably purchase and retain the statutory securities now required. The security to our people would be as standard, while the facilities for fire indemnity would be increased.

GOVERNOR'S RESIDENCE.

To the last General Assembly was submitted a bill providing for a residence for the Governor. At my request the same was withdrawn. My experience in securing what I deemed a suitable home has been unsatisfactory, and I am firm in the belief that a residence should be provided for the chief executive of the State, and one in keeping with the dignity of the office. I earnestly recommend legislation that will provide for the purchase or erection and furnishing of a residence to be occupied by the chief executive of the State. The heads of all the State's institutions, educational excepted, are provided with residence, maintenance for family, and attendants, while the Governor must provide all of these from his salary and allowance for rent. Many of the states make suitable provision for their Governors in the way of house and furnishings, and this State should have an official residence for its Governor, where its citizens may, at any time, find the chief executive.

LOUISIANA PURCHASE EXPOSITION.

On the 21st day of February, 1901, I communicated to the Sixty-second General Assembly a special message conveying the information that the Congress of the United States had appropriated the sum of $5,000,000 as a means of promoting the proposed Louisiana Purchase Exposition, to be held in the city of St. Louis in 1904. The original intention was to have the exposition held during the year 1903, but, after much deliberation, an arrangement was agreed to by the management, with the consent of Congress, which postponed the opening one year. At the time my special message was communicated to the Legislature, other measures were pending looking to appropriations for the International Exposition at Charleston, South Carolina, and the Pan-American Exposition at Buffalo; and, owing to these unusual conditions, the Gen-

eral Assembly deemed it expedient to decline to take favorable action with reference to either of the three enterprises then appealing for recognition. Existing conditions are less embarrassing. There is but one great exposition in prospect, and that is the world's fair to be held in St. Louis next year. There is abundant assurance that it will be one of the greatest achievements of its kind ever undertaken in this country or elsewhere. Primarily, it is designed to commemorate the purchase by the United States of what was originally known as "Louisiana Territory"—a territory so vast that it is now a teeming empire of itself, enjoying all the wondrous advantages vouchsafed by a republican form of government. The mere fact that the National Congress has voted to expend many millions in aid of the enterprise is assurance that it is worthy of full faith and confidence. The State of Missouri and the city of St. Louis have guaranteed many more millions, and there is no doubt but that the exposition will surpass any that have preceded it, either in this country or in Europe. The Director of Works estimates that the great fair will have cost $30,000,000 before the opening day, and the total expenditures will probably aggregate $40,000,000, or about double the amount expended in producing the splendid Columbian Exposition at Chicago. By reason of certain conditions imposed by the Federal Government, it became necessary for the St. Louis managers to allot sites for state buildings before the close of the year 1902, and, being officially advised that such allotments would be made during the closing days of October, I deemed it expedient to appoint a provisional committee representing the two houses of the Indiana General Assembly to be present on that occasion to safeguard the State's interest in anticipation of possible favorable action at this session concerning an appropriation and the creation of a commission. The committee, as appointed, consisted of Lieutenant-Governor Gilbert and Senator Fleming, of the Senate, and Representatives Slack and Stechhan, of the House. Mr. Stechhan was unavoidably prevented from attending, but Messrs. Gilbert, Fleming and Slack ably performed the duty assigned them, accepting a site for an Indiana building on the exposition grounds and making a formal report thereof to my office.

Inasmuch as early action is necessary, if the subject is to receive favorable consideration, I respectfully recommend that a special

joint committee be appointed as early as practicable to visit St. Louis for the purpose of securing all necessary data for the information of the General Assembly, said committee to consist of the Lieutenant-Governor and two members of the Senate, the Speaker of the House and three members thereof, the members in each case to be appointed by the presiding officer of each branch respectively.

With such facts as the committee may assemble and present in comprehensive form, your honorable bodies will be enabled to act intelligently and in behalf of what your deliberate judgment directs as being in the interest of the people.

VOTING MACHINES.

Admitting the so-called Australian system of conducting elections to be a vast improvement over previous methods, the conclusion is forced upon us that it is so far from being satisfactory that it becomes our bounden duty to adopt measures providing for radical betterments. Experience has demonstrated the fact that the election system as it now exists in this State results in the loss of too many ballots, by improper marking, which were honestly cast, and which, in full justice, should be counted. In providing safeguards against fraud, the present law goes to the extent of affording opportunities for the introduction of technical objections which are frequently used unfairly for the disqualification of electors. This condition should not be permitted to further exist. It is a fundamental principle of our Government that the rights of men are equal, but the theory can not be accepted as effective as long as we permit any considerable number of voters to be subjected to disfranchisement by election boards invalidating ballots through the instrumentality of trivialities. The stability of republican institutions depends upon the power of the people, as expressed at the polls, and every man privileged to cast a ballot should be protected in the fullest measure in the exercise of a right which is likewise his patriotic duty.

The Sixty-second General Assembly created what is known as a "Voting Machine Commission," the report of which will be submitted for your formal consideration, and I trust it will receive your earnest attention. We are confronted with abundant proof that the "Australian System," while it is in many respects superior

to former methods, is lamentably deficient in the respect that it permits of the practical disfranchisement of an astonishingly large number of electors whose ballots should be counted as they were intended to be by those who cast them. The efficacy of the voting machine has been tested, and it is the consensus of opinion among those who have given the subject thorough consideration that it guarantees more satisfactory results than may be hoped to be obtained by any other method. The great expense involved in the proposed machine system of voting is the only objection, but I am nevertheless inclined to the belief that the matter of cost, where reasonable concessions can be secured, should not stand as the sole obstacle against any movement designed in good faith to protect the people to the utmost degree in the exercise of their inalienable rights.

AN AGGRESSIVE EVIL.

I consider it the duty of this General Assembly to consider carefully the lottery evil, as it exists in many forms, especially with reference to so-called "guessing contests" conducted by certain newspapers of metropolitan pretensions published outside the confines of Indiana. Years ago the lottery evil became so manifestly harmful that the Congress of the United States was forced to resort to the most drastic measures for its suppression. It is an insidious form of vice, and as promoted by newspapers of large circulation it permeates circles that could not be reached through any other medium. These "guessing contests," as a rule, do not differ materially from lotteries, and they have become such a menace that they can not be regarded otherwise than demoralizing, especially so on account of the fact that they are patronized largely by persons who can ill afford to spare money thrown away in taking chances against manifestly unfair odds. It is the duty of the State to provide proper safeguards for its citizens, and, in my judgment, provision should be made by statute, if possible, to prohibit the sale or circulation in Indiana, of newspapers or other publications engaged directly or indirectly in promoting lottery schemes under whatever guise or pretense.

THE PRIZE-FIGHT EVIL.

I respectfully submit to your honorable bodies the necessity for the enactment of more clearly defined laws and more drastic measures for the suppression of prize-fights and the regulation of so-called boxing contests. The existing law, as interpreted by the Supreme Court, defines a prize-fight according to the definition given in the dictionaries; but the spirit of the law is being constantly violated by promoters of alleged "athletic sports," when, in fact, exhibitions conducted under the pretense of "manly art," are nothing less than contests of brute force. Legitimate athletics are worthy of commendation, but it is a lamentable fact that many persons persistently take advantage of the existing law for the purpose of promoting lawlessness. Pugilism flourishes under the pretext of scientific boxing, and peace officers, as well as courts, appear to be helpless in the matter of establishing legal distinction. Prize-fighting, whether conducted frankly or covertly, is debasing and demoralizing. It is prompted by brutal instincts, and, on the whole, it is so utterly disreputable that every possible means should be adopted for the suppression of the manifold evils that attend the dishonored profession of pugilism, practiced under various hypocritical pretexts, but all alike designed to prostitute manhood, breed criminals, and cast the law in contempt. I believe it to be the duty of this Legislature to take action in the premises which will insure the public protection against disgraceful exhibitions of brutality, under whatever guise it is proposed that they be given.

CODIFICATION OF CORPORATION LAWS.

Notwithstanding the vigorous efforts of the Auditor of State and the Attorney-General, who have succeeded, within the last four years, in driving out scores of fraudulent companies organized extensively to sell debentures, bonds, stocks and memberships in all kinds of co-operative schemes, it has been impossible, under the existing law, to eradicate the entire evil of the sale of such stocks, bonds, memberships and certificates to innocent purchasers. While I believe this State is as free, or more so, than most states, from fraudulent concerns, still the law should be strengthened, so as to enable the State and county officers to prevent these concerns from

doing business within our borders. The corporation laws of Indiana should be codified so that each corporation may be organized under a law, or section of a law, by itself, and the right, powers and duties should be clearly defined. No corporation should be permitted to incorporate in Indiana with a capital stock published to the public unless such capital stock has been paid in cash, or its equivalent, such payment to be made within a reasonable time after such articles are filed. Adventurers should not be permitted to carry on a business in this State. Adequate capital, fully paid up, should be the rule. In this period of great business activity and speculation, irresponsible companies are likely to increase and are increasing greatly in number, and a confiding public is the ready but unwilling victim.

I suggest for your consideration the appointment of a commission to codify all the corporation laws of Indiana, to be submitted at the next session of the General Assembly.

PUBLIC BUILDINGS AND GROUNDS.

From time to time requests are made to the custodian for the use of the legislative chambers by various bodies desiring to hold conventions therein. Some of these requests come from organizations having more or less connection with the State government, but many more requests are from organizations having no official connection with the State. The halls of the Senate and House have been newly furnished, and it remains for your honorable bodies to determine definitely for what purpose, if any, other than legislative, these halls shall be used.

Another matter now pressing for action is the right of railroads and interurban lines passing through State grounds. These companies are asserting the right under existing laws to condemn a right of way through the grounds of the State devoted to State purposes. This question should at once be finally determined by law. In some cases the use of prison grounds for railroad or interurban lines would practically destroy the value of such grounds for prison purposes. I advise that action be taken repealing or amending existing laws so as to prevent any railroad, street railway, or interurban railway company from condemning a right of way into or through any grounds owned by the State without authority there-

for properly given by duly designated State officers or boards, as may be determined.

SALE OF CONCEALED WEAPONS.

Crime in Indiana, I am sure, has never been more vigorously prosecuted than it is now, and yet there are a great many crimes committed that are not premeditated but result from the combined use of whiskey and gunpowder. The carrying of concealed weapons by other than travelers is made a crime in this State, and yet, thousands of lawless characters carry these weapons. Burglary is a crime for which there is no excuse. In some states burglary is made a capital crime. I suggest for your consideration, whether it ought not be so defined in Indiana. Certain it is that more restrictive legislation is needed to prevent unauthorized persons from carrying firearms. Frequently persons crazed with drink use the ready revolver with deadly effect, and yet the same person when sober would be harmless. I am convinced that there is a need for legislation looking to the licensing of designated officers to carry revolvers and prohibiting the sale thereof to other persons. Highwaymen, footpads and burglars can freely purchase revolvers, and yet, by law, we make it a felony for them to carry the same. We must strike at the root of the evil and regulate the sale as well as the carrying of such weapons. Honest men are compelled to be prepared for defense when at every turn of the road they may be held up and robbed by those who go about armed for attack.

FEES AND SALARIES.

The fee and salary act of 1895 was a step in the right direction, in that it placed the officers of the State upon a basis of annual salaries and provided for the conversion of all fees into the public treasury. It has been demonstrated that there are inequalities in the compensation paid State officers, also in the different counties of the State, and in the case of the State's judiciary, the salaries named are inadequate for the duties performed. I am a firm believer that the salaries of public officers should be upon a liberal basis and that in return the very best service is due to the people from the incumbents of positions charged with the responsibilities

of a public trust. I believe this Legislature would be recognizing a just demand that comes up from many counties looking to the readjustment of the scale of salaries now allowed by law, and should enact a new statute covering the salaries to be paid for the filling of the offices in the State. The present law fully pays officers in some counties and under pays those in others where the labors are practically equal. There should be an equalization of salaries; not necessarily an increase in all cases. The report of the Fee and Salary Commission to the Legislature of 1901 is replete with information of value.

UNIFORMITY IN TIME OF EXPIRATIONS OF THE TERMS OF OFFICERS.

There is, throughout the State, a wide diversity in time of expiration of terms of judges and county officers. Under the law, as it now exists, the calendar year has been determined upon as the fiscal year for county and township business. It is manifestly to the best interests of the State that the terms of officers, as nearly as possible, should expire at the end of the year.

It is likewise for the public good that officers should go into office on the 1st of January succeeding their election. I recommend, therefore, that the terms of all circuit, superior and criminal court judges, as well as county officers, begin on the 1st day of January succeeding their election. This can be accomplished by one law, comprehensive in character, providing that the terms of such officers hereafter elected shall begin on the 1st of January next after their election. As it now is, there are a number of judges in Indiana who are elected nearly two years before they take office, and there are many county officers who do not take office for more than a year, and some of them nearly two years, after their election. This result is not, in my opinion, for the best interest of the public or of public business. To eliminate this objectionable feature of the law, provision should be made whereby all such officers shall not be elected until the general election immediately preceding the time for taking office.

PARDON BOARD.

By the constitution the pardoning power is vested in the Governor. It is impossible for him to know all of the conditions that surround the cases wherein application is made for executive clemency. The work of requiring the rules of executive practice to be complied with, examining the cases, hearing evidence, if necessary, and listening to appeals in behalf of those who apply for clemency, is of necessity very burdensome upon the Governor, and the results are unsatisfactory. There is neither time nor opportunity to fully investigate the cases. But one side of the case is, as a rule, presented to the Governor. I recommend that a Board, to be known as a parole or pardon board, should be created by law with power to examine each case wherein application is made for clemency and to report to the Governor the results of such examination, together with any recommendations they may have. The large volume of business that passes through the executive office prevents the proper study of these cases. Fully one-third of the time of the executive is taken up in the details of application for paroles and pardons.

GOVERNMENT SURVEYS.

The Department of the Interior, at Washington, have called my attention to the embarrassment employes of the Geological Survey experience in the prosecution of their work, and has proposed a bill to be introduced in Indiana and other states obviating this difficulty, and such a measure will be presented for your consideration.

STATE ARCHITECT.

In connection with the report of the Legislative Committee it will be observed that very large sums of money are annually expended by the State in erecting new buildings, remodeling old ones, and installing heating, lighting and water plants therein. It will be further observed that a great deal of money is annually required to purchase fuel for these institutions. I am sure it would result in the saving of many thousands of dollars annually if the State had some skilled architect who could supervise the con-

struction and repair of buildings and the installation of proper heating, lighting and water systems therein. Under the present plan these plants are as varied as the number and character of institutions. I would urge upon you immediate consideration of the proposition of providing by law for the appointment of an architect who would have general supervision of the construction of buildings and the planning of heat, light and water plants in the various State institutions.

THE VANDALIA CLAIM.

The General Assembly of 1897, by special statute, authorized a suit against the Indianapolis & Terre Haute Railroad, to recover from that corporation money due the State covering a long series of years. The case has been fought to a conclusion in the Supreme Court, resulting in a judgment in favor of the State for $913,-905.01. To properly protect the interests of the State, it will be necessary to have additional legislation of a precautionary character. A bill has been prepared by the attorneys representing the State, to be presented to this Legislature, and I recommend it to your early and favorable consideration.

COUNTY JAILS.

In some of the county jails in Indiana there is little or no sex separation, nor is there an attempt at classification of prisoners according to their respective crimes. Many of the jails are uncleanly, foul smelling, and poorly situated. Some of them are schools in which the more experienced and expert in crime educate those who lack criminal knowledge. It is not the fault of the officers, but rather the fault of the law. All prisoners are confined together—the worst with the best. Those who are accused of capital crimes are kept with those who are arrested for petty offenses and are awaiting trial, as well as with those who are detained as witnesses. This is not as it should be. Those who are confined in jails should be separated into proper classes; the hardened convict should be kept from the juvenile offender, and those who are merely accused of petty offenses should not be confined with the professional criminal.

JUVENILE COURTS.

A children's court has been, in a measure, established by the police judge of Indianapolis, and the results are very satisfactory. There is, however, no specific law on the subject. Provision should be made by law for the establishment of such juvenile courts in the larger cities of the State. Wide latitude should be given to such courts to deal with juvenile offenders. It has been tried in cities of other states, and has proven effectual. Under the proper operation of such court children need not be confined in the jails. They could be released under proper security to appear at specified times and be let out on probation, to remain under the supervision and control of the court. They should be tried at least at a separate time, if not in a separate room, from adult offenders. It is from these juvenile offenders that criminals are recruited, and the establishment of a juvenile court would, in my opinion, go far toward eliminating from the ranks of hardened criminals these young recruits.

WOMAN'S PRISON.

There is a decided sentiment favorable to the separation of the Woman's Prison from the Industrial School for Girls. I recommend that a woman's prison be established at Michigan City, separate and apart in every particular from the Indiana Prison now located in that city, except that it be under the management of the Board of Control of the Indiana Prison, but in charge of a matron. I would recommend that this be the solution of the matter, but that, under no circumstances, should the new prison be in any way treated as an adjunct of the Indiana Prison, and that it be placed upon the State's land adjacent to the prison. Fifty-two is the average number of female prisoners since the establishment of the present prison; sixty, the maximum number.

EPILEPTICS.

Provision has been made for some of the classes of unfortunates in our State, but there is yet a class that should receive your earnest consideration—the epileptics. It is a subject for investigation as to the best way to provide for this class and also the ex-

tent to which provision should be made. I have, in a limited way, investigated what provisions have been made by other states. My conclusion, and the recommendation I make to you is, that the matter shall be referred to a commission to be created which shall investigate all matters pertinent to the subject and provide a plan and make such recommendations to the next General Assembly as, in its judgment, is the proper solution to the problem. It is, in my opinion, a subject of too great importance to be decided hastily and without thorough investigation. Suggestion is made that great relief will be furnished our hospitals for the insane by establishing an institution for epileptics. My investigation revealed that such has not been the case in other states. Report is made by some states that the care of this class has created a new class of dependents. I believe it would be wise to proceed slowly, and upon intelligent lines.

INDIANA REFORMATORY.

A number of prisoners now in the Indiana Reformatory at Jeffersonville, have been convicted for a second or subsequent offense. It is the judgment of those who have studied the question that all male persons of adult age, convicted for a second offense, should be sent to the State Prison at Michigan City, instead of the Reformatory at Jeffersonville. To that end I recommend that in all cases where otherwise the accused would be sentenced to the Indiana Reformatory, the law should be amended so as to require the prosecuting attorney to show in each case and the court to find whether the accused had theretofore been convicted of crime, and that such fact be shown in the judgment; that in each case where such prisoner had been theretofore so convicted, he be sentenced by the court to confinement in the State Prison. In this connection permit me to call your attention to the law governing the transfer of prisoners from the Reformatory to the State's Prison. There is now no provision in law for transferring control over such transferred prisoners from the officers of the Reformatory to the officers of the State Prison. Proper legislation is therefore needed to give to the authorities at the State Prison authority to parole such prisoners transferred. As the law now stands, the authority to parole remains invested in the Parole Board of the Reformatory.

EPIDEMICS.

During the last two years smallpox has been prevalent in many counties of the State. The State Board of Health has been energetic and effective in assisting in stamping it out. They have, however, been handicapped by lack of laws that would make quarantine effective, and provide for the punishment of those who break a quarantine once established. The health of our people should be paramount to all other considerations. I recommend that specific appropriation be made for the use of the State Board of Health to enable them to combat the spread of contagious and infectious diseases, and that additional legislation be had enlarging the powers of the State, county, and city Boards of Health respecting the adoption and enforcement of quarantine regulations. Also, for the punishment of those who violate the provisions thereof.

LYNCHING.

In the past two years there has been a marked decrease in the violations of law consequent upon mobs and masked citizens taking the law into their own hands and visiting vengeance upon their victims. The anti-lynching law of 1901 has been effective in that the sheriff of Sullivan county, after a full and fair hearing before the Chief Executive, was found not to have performed his duty in properly protecting the life of a prisoner from the assaults of a mob that succeeded in carrying into effect their purpose of lynching. The sheriff was deposed from office, as provided by law, and I believe the effect of this action will have a very salutary influence, not only in this State, but in other states where public attention has been attracted through the enforcement of our very wholesome law.

ENROLLED BILLS.

In the hurry of legislation there are frequently presented to the Governor enrolled bills in which changes or erasures have been made. Such changes may be mere corrections, or they may be intentional erasures.

For the mutual protection of all I am convinced that a law is needed providing for the printing of engrossed and enrolled bills

from especially designed type, to be copyrighted and held as the property of the State. The result of such a departure, I am sure, will be much more satisfactory than the present system.

TRUSTS.

The evolution along commercial, industrial and financial lines, has resulted in combinations representing almost every business, and the effect is now being most seriously considered by the public in relation to its interest. It should always be remembered that corporations secure every legal privilege through legislation. The people are the real grantors and can never be disassociated in their ever present rights after incorporation. In all corporations the public is on both sides. The integrity of invested capital, whether by individuals or corporations, should never be menaced in its lawful rights. When encroachment is made by crossing the border line of public policy or public interest, then the law should assert itself to the end that the people may have proper protection. The Legislature is the source of power and prevention in every detail of corporate and public interest connected with this new and most important question, and I most earnestly recommend that, without prejudice and in the exercise of conservative judgment, such legislation as may be necessary shall be enacted that will guard the welfare of the people of Indiana against any contingency of wrong associated with these modern methods of concentration and combination in forwarding the expanding volume of business that is increasing with the growth of this prosperous republic.

In conclusion, I desire to impress upon your honorable bodies the responsibility which has been entrusted to you by the voters of this Commonwealth. They have confided their weal to your hands and will look to you for a faithful discharge of their trust. Let your counsels and actions be moderate and fair; that when you have performed your duty the citizens whom you represent may say that your deeds are creditable to themselves and to you.

Respectfully submitted,

WINFIELD T. DURBIN,
Governor.

SPECIAL MESSAGES TO THE SIXTY-THIRD GENERAL ASSEMBLY.

ANNOUNCING DEATH OF GEN. ROBERT S. FOSTER.

Indianapolis, Ind., March 4, 1903.

Mr. Speaker:

It becomes my solemn duty to announce the death of Major-General Robert S. Foster, Quartermaster-General of Indiana, which occurred at his home in Indianapolis at 3:45 o'clock on Tuesday, March 3, 1903.

General Foster was one of the most famous survivors of the war for the Union, and in civil, as well as military life, he was the personification of the highest type of American manhood. He was an honor to the State and Nation, and it becomes us to take formal action in paying tribute to his memory.

It has been arranged that the body of General Foster shall lie in state in the rotunda of the State House from the hour of eleven a. m., until two o'clock p. m., on Friday, March 6th, and I suggest that your honorable body take such action as may be deemed proper in the premises.

A copy of this message was also transmitted to the State Senate.

Indianapolis, Ind., March 7, 1903.

Mr. Speaker and Gentlemen of the House of Representatives:

I avail myself of a "question of personal privilege" to communicate to your honorable body my sincere appreciation of your unselfish devotion to the interests of the people you represent in the efforts you have put forth in what you have conscientiously conceived to be for the promotion of the public weal. With so many perplexing issues presented for your consideration, it is but a natural sequence that there should be a division of opinion;

but, to whatever extent this difference may have been, we must, in all candor, as servants of the people, agree that the underlying motives were based on carefully preconceived judgment of solemn obligations to those to whom we owe the honor of preferment and to whom we are accountable.

With the close of the Sixty-third General Assembly it is seemly that we should put aside all asperities and generously concede each to the other that our motives, however much mistaken or misunderstood, were prompted by honest endeavor to serve our constituents with fidelity.

I am not insensible of the courtesy shown me by members of this Assembly, and I gladly avail myself of this opportunity to extend my heartfelt thanks to the minority as well as the majority side of this chamber for ever-generous consideration.

The session has been singularly free from partisan acrimony, and in this, my last message to the House of Representatives, I convey to each member my kindest regard for all his future undertakings, and best wishes for all who most concern him.

Indianapolis, Ind., March 7, 1903.

Mr. President and Gentlemen of the Senate:

I avail myself of a "question of personal privilege" to communicate to your honorable body my sincere appreciation of your unselfish devotion to the interests of the people you represent in the efforts you have put forth in what you have conscientiously conceived to be for the promotion of the public weal. With so many perplexing issues presented for your consideration, it is but a natural sequence that there should be a division of opinion; but, to whatever extent this difference may have been, we must, in all candor, as servants of the people, agree that the underlying motives were based on carefully preconceived judgment of solemn obligations to those to whom we owe the honor of preferment and to whom we are accountable.

With the close of the Sixty-third General Assembly it is seemly that we should put aside all asperities and generously concede each to the other that our motives, however much mistaken or

misunderstood, were prompted by honest endeavor to serve our constituents with fidelity.

I am not insensible of the courtesy shown me by members of this Assembly, and I gladly avail myself of this opportunity to extend my heartfelt thanks to the minority as well as the majority side of this chamber for ever-generous consideration.

The session has been singularly free from partisan acrimony, and in this, my last message to the Senate, I convey to each member my kindest regard for all his future undertakings and best wishes for all those who most concern him.

The shadow of death has invaded the Senate chamber, to the sincere sorrow of our hearts. Senators Burns and Gibson literally "died in the harness," each striving in his own good way to serve his constituents in a manner to win approbation. We remember them as colleagues who were devoted to the interests entrusted to their care, and we sincerely mourn the loss thus sustained by the State.

VETO MESSAGES, SIXTY-THIRD GENERAL ASSEMBLY.

VETO OF SENATE BILL No. 5.

Indianapolis, Ind., Feb. 9, 1903.

Mr. President:

I return herewith, without approval, Senate Bill No. 5, proposing to create a school corporation in cities of certain population. This is a species of special legislation by which the plain wording of the constitution is sought to be evaded by recourse to a mere subterfuge. Besides, the effort to establish a school corporation distinct from the civil corporation, is designed solely for the purpose of creating a bonded indebtedness far beyond the constitutional limit. The bill is also objectionable in that no restriction is placed on the price at which such bonds shall be sold, nor is any precaution taken to exact an adequate bond from the Treasurer having control of the funds secured from the sale of such bonds. It must be admitted, on the evidence presented, that the bill provides for needed relief, but it does not follow that we should sanction an unwise and palpably unconstitutional measure in order to provide a remedy for an unfortunate condition.

There are other means by which the same ends may be reached as are sought by the bill herewith returned, and this can be accomplished without unnecessary inconvenience or delay.

In returning a similar bill to the 62d General Assembly, without approval, I quoted the fundamental law of this State, which applies in this instance, also, to wit:

"No political or municipal corporation in this State shall ever become indebted in any manner or for any purpose to any amount in the aggregate exceeding two percentum on the value of taxable property within such corporation, to be ascertained by the last assessment for State and county taxes previous to the incurring of such indebtedness, and all bonds or obligations in excess of such amount given by such corporation shall be void."

It is pertinent to repeat now the objections I offered to a previous measure of the same nature as the one herewith returned, viz:

"The effect of this proposed act, if it should become a law, would be to increase the limit of indebtedness from two per cent. to four per cent. upon the taxable property. I am firmly convinced that it is not consistent with public policy to sanction the radical departure proposed. There is no good business reason why municipal corporations should increase their bonded indebtedness at a time when individuals and private corporations are rapidly liquidating their indebtedness. Business methods should be employed in conducting municipal affairs exactly as in private matters. One of the great evils in municipal government today is the tendency toward increasing permanent indebtedness.

"The Legislature may authorize the raising of a levy to meet any emergency that may arise, and school buildings can be constructed out of such levy. It is true that the temporary burdens caused by such increased levy in a few localities may be heavy for a time, but even that is far preferable to opening the way for the doubling of the permanent debt of all the municipalities of the State of Indiana."

Aside from the objections hereinabove noted, this bill is vitally deficient and invalid by reason of the fact that it provides for the raising of revenue, whereas the Constitution specifically declares that all measures of this nature must originate in the House. I quote from Section 16, of Article IV, to wit:

"Bills may originate in either house, but may be amended or rejected in the other, except that bills for raising revenue shall originate in the House of Representatives."

Even in the absence of other objections, the bill herewith returned, having originated in the Senate, is clearly nullified by the Constitution.

VETO OF SENATE BILL No. 4.

Indianapolis, Ind., Feb. 9, 1903.

Mr. President:

I return herewith, without approval, Senate Bill No. 4, the purpose of which is to legalize all steps taken and all acts done in the incorporation of the town of Shirley.

In some instances, perhaps, certain communities actually need such legislative action, but I am convinced that in a majority of such cases the legalizing of acts of incorporated towns is not justified by law or moral obligation.

The bill herewith returned is sweeping in character. It proposes to legalize and make valid "all elections and actions of said town and official acts and ordinances, resolutions, by-laws, minutes and proceedings of the board or boards of trustees of said town, and all tax levies, orders and steps taken for the collection thereof," etc.

I respectfully submit that this is dangerous legislation. While I do not presume that the corporation of the town of Shirley has been mismanaged by those who have had local authority, the bill presented for relief is so broad in its scope that it can not be regarded otherwise than as affording an opportunity for placing the citizens of the community in a position to be subjected to grave injustice.

Aside from the objections hereinbefore mentioned, the bill is deficient in the respect that in the title it refers to the town of Shirley as being located in the county of Hancock, while in the enacting clause it is said to be located in the counties of Hancock and Henry. This discrepancy on its face renders the act invalid, and for this, and other reasons mentioned, it is returned to your honorable body without Executive approval.

VETO OF SENATE BILL No. 140.

Indianapolis, Ind., Feb. 21, 1903.

Mr. President:

I respectfully return herewith, without approval, Senate Bill No. 140, entitled "An act in relation to notaries public and legalizing certain acts thereof and declaring an emergency."

The title, as hereinabove quoted, is wholly inconsistent with the provisions of Section 1, and the act in its entirety is thereby apparently invalidated. Digressing from the title, the act provides not only for the legalizing of acts of notaries public, but also "other officers required to use an official seal."

VETO OF SENATE BILL No. 92.

Indianapolis, Ind., Feb. 21, 1903.

Mr. President:

I return herewith, without approval, Senate Bill No. 92, an act purporting to legalize the incorporation of the town of Linden, Montgomery County.

The act is obviously defective in its title, inasmuch as it declares "an emergency approved February 25, 1901," whereas there is not anything in the subject matter to indicate the slightest relevancy between the citation in the title and the enacting clause.

VETO OF SENATE BILL No. 145.

Indianapolis, Ind., Feb. 23, 1903.

Mr. President:

I respectfully return herewith, without approval, Senate Bill No. 145, proposing to amend an act with reference to the creation of the office of prison matron in counties containing a certain population.

The objection to this measure is based on the fact that it is, in effect, a duplication of the act of the Sixty-second General Assembly, approved March 9, 1901. That being true, it is unwise and unnecessary to encumber the statutes with another act essentially similar in character and differing only in the matter of phraseology.

Under the act of 1901, the county commissioners, in their discretion, may provide all the relief sought by the bill herewith returned, and there is apparently no necessity at present for additional legislation with reference thereto.

VETO OF HOUSE BILL No. 31.

Indianapolis, Ind., Feb. 28, 1903.

Mr. Speaker:

I respectfully return herewith, without approval, House Bill No. 31, proposing that circuit courts may authorize employment

of clerical assistants by Probate Commissioners, fixing in what manner such assistants may be paid.

This bill provides that "A circuit court of any county in this State, where by law the office of Probate Commissioner may have been created, shall have power by entry of record to authorize the employment by said Commissioner of not more than two clerical assistants for such time and at such reasonable compensation as such court may determine. *Provided,* that not more than $25 per week, for the time actually required, shall be expended for such clerical services," etc.

I am convinced that the relief sought by this act is needed in at least one of the large counties of this State, but, aside from the fact that it provides for an increase of salaries, it is also objectionable in that its provisions are so sweeping in character that grave abuses might follow if the bill should become a law. If this bill had been drawn with the clear intent of providing for actual necessities, it would merit more favorable consideration, but in view of the fact that it affords opportunities for abuses that would be antagonistic to sound business methods and against public policy, a conscientious regard for responsibility prompts me to return it to your honorable body without approval.

VETO OF SENATE BILL No. 38.

Indianapolis, Ind., March 2, 1903.

Mr. President:

I return herewith, without approval, Senate Bill No. 38, providing for a juvenile court in counties containing a city of over 100,000 population.

This bill provides that when a complaint is made against a boy under his seventeenth birthday, and a girl under her eighteenth birthday, before any magistrate or any other proper officer, the magistrate shall notify the probation officer, who shall immediately investigate the case, and after he has made his investigation, shall consult with the magistrate, and the magistrate, if it shall appear that the child is guilty as charged, shall certify the case to the juvenile court.

The act provides that no child under the age of fourteen years shall be incarcerated in jail, but if a child should be over fourteen years of age and under the maximum age, during this preliminary investigation by the probation officer such child might, under the provisions of this bill, be confined in the jail, and thus be denied the right of a speedy trial guaranteed by the Constitution.

The act does not provide the kind of trial that shall be had; whether it shall be governed by the rules governing trials in the circuit or criminal courts. In fact, it makes no provision for a trial of any kind or the manner in which such trial should be conducted, except in very general terms. It makes no provision for an appeal to any court, either circuit, supreme or appellate, although the general appeal statutes might cover cases of this kind.

The act provides, "that in every trial of any such child, he shall be entitled to a trial by a jury of twelve persons, if he shall so elect and the court approves."

The latter clause evidently abridges the right of trial by jury, and unquestionably, in so far as the right is abridged, it is unconstitutional.

I regret that I am compelled to return this bill without my approval. I am in sympathy with the general features of this bill. In fact I discussed the question of a juvenile court in my message, and will give my approval to a bill eliminating the objectionable features hereinabove stated.

VETO OF SENATE BILL No. 170.

Indianapolis, Ind., March 2, 1903.

Mr. President:

I respectfully return Senate Bill No. 170, without my approval.

I am aware that there are just reasons for the broadening of the act so that a wider scope may be given for required statutory investments. Insurance is one of the necessities of the Commonwealth, and its increasing need grows with the growth of the State. It must ever be borne in mind, however, that not the least impairment of the statute should be made that can be interpreted to

the possible detriment of the assets upon which indemnifying companies are founded. The clause that would admit as security "stocks, debentures and bonds of incorporated companies, incorporated under the laws of the States of the Union, or of the laws of the United States," is letting down the bars for investments in securities that are subject to wild fluctuations, of unstable values, and in case of financial stringency first to be listed in the doubtful column. Insurance investments should be of such a character as to readily prove quick assets. They should not have the hazard of dropping below par, and in the group of securities to which I object, there is an open door for loss or depreciation that should not be authorized by statute. With this objectionable clause eliminated, the bill would meet my approval.

VETO OF HOUSE BILL No. 291.

Indianapolis, Ind., March 2, 1903.

Mr. Speaker:

I return herewith, without approval, House Bill No. 291.

The title of this act authorizes a township trustee to pay out of tuition money in his hands part of the tuition expenses of scholars transferred to other corporations, and Section 5 of the act provides that all expenses incurred in the equipping, hiring or running of conveyances for the transportation of pupils shall be paid out of the special school revenue of the township.

The provisions of the act are inconsistent with the title, and the title itself is in violation of the Constitution, for the reason that the tuition fund can not be used for other than tuition purposes.

VETO OF SENATE BILL No. 163.

Indianapolis, Ind., March 3, 1903.

Mr. President:

I return herewith, without approval, Senate Bill No. 163, proposing to provide a statue of George Rogers Clark to be placed in the National Statuary Hall at Washington, D. C., appropriating money therefor, etc.

By an act of the Thirty-eighth Congress of the United States a space was set apart in the National Capitol which is popularly known as "Statuary Hall." The provision of that act which is particularly relevant to the subject of this message, reads as follows:

"And the President is hereby authorized to invite each and all the States to provide and furnish statues, in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof," etc.

It is obvious, if this bill should become a law, that it would be necessary to petition Congress to pass an enabling act before the statue could be placed in position. There should be no shadow resting upon the question of citizenship. We can not agree with the proposition that George Rogers Clark was a citizen of Indiana —certainly not of sufficient identity as to be generally regarded as coming within the intent and spirit of the act of Congress conferring such signal honor upon one of our citizens worthy from every standpoint of this conspicuous mark of appreciation. That he was a powerful agent in advancing the civilization of the Northwest Territory no one will controvert. Impartial history, however, has fixed his place as a pioneer soldier. It is to be regretted that so brave a warrior should have such a serious cloud resting on his loyalty and patriotism. He was discredited by his own State. I quote from history:

"The Governor of Virginia issued a proclamation disavowing all Clark's acts. A committee of the Kentucky convention, which included the leaders of Kentucky's political thought and life, examined into the matter and gave Clark's version of the facts, but disowned his course. Some of the members of this convention were afterwards identified with various separatist movements, and skirted the field of perilous intrigue with a foreign power; but they recognized the impossibility of countenancing such mere buccaneering lawlessness as Clark's; and not only joined with their colleagues in denouncing it to the Virginia government, but warned the latter that Clark's habits were such as to render him unfit to be trusted with work of importance."

There is no question but that he characterized the government of the United States as weak and without character, and was willing to join the army of Spain. In the face of this record, and because his selection, if not otherwise objectionable, would not recognize a citizen of Indiana, I can not approve this bill.

VETO OF SENATE BILL No. 219.

Indianapolis, Ind., March 3, 1903.

Mr. President:

I return herewith, without approval, Senate Bill No. 219.

This bill provides that the Governor shall, within thirty days after the taking effect of this act, appoint four commissioners to purchase lands for buildings for the Industrial School for Girls. It also provides that the lands for said proposed institution shall be purchased within three months after the taking effect of the act. I feel that the best interests of the State require that these provisions be not made mandatory.

The act further provides that the commissioners shall serve without compensation, and that the treasurer is required to furnish a bond in the sum of $25,000. I feel that some reasonable compensation should be paid for such service, and that some provision should be made for purchasing said bond for the treasurer of such commission.

The act further provides that the members of the board to be appointed shall serve without compensation, except actual expenses. I see no good reason why an exception should be made as to the members of this board, and feel that reasonable compensation should be provided for them as provided by law for members of all other boards.

The act does not provide for any tenure of office. This is an important matter, and proper provision should be made fixing terms of office and manner of removal of members of said board. The general scope of the bill meets my approval, and if the objectionable features are eliminated, I will be pleased to have the same become a law.

VETO OF HOUSE BILL No. 167.

Indianapolis, Ind., March 4, 1903.

Mr. Speaker:

I herewith return, without approval, House Bill No. 167, an act concerning public improvements which affect common school property and the payment of the cost thereof.

This bill provides, "it is hereby made the duty of every such common school corporation to pay and discharge such lien out of public funds in its hands not otherwise by law appropriated." There is no such fund known to the law in connection with common schools or common school corporations as "public funds," and hence this act would be wholly inoperative, necessarily leading to confusion, and should not become a law.

VETO OF HOUSE BILL No. 97.

Indianapolis, Ind., March 4, 1903.

Mr. Speaker:

House Bill No. 97 is respectfully returned without approval, the reasons therefor being as follows:

In the present arrangements of judicial circuits, Shelby and Rush counties compose the Sixteenth Circuit, and Fayette, Union and Franklin counties the Thirty-seventh Circuit. The effect of this measure is to create a separate circuit of Shelby County by placing Rush and Fayette counties in one circuit and Franklin and Union counties in another.

It is difficult to comprehend upon what theory this extension of judicial circuits can be justified. Official reports to the Bureau of Statistics show that litigation is speedily decreasing in Indiana, and that the creation of new courts is sought to be increased. In 1895 there were filed 32,124 cases in the courts of this State; in 1900, 25,463; and yet, in that period five additional circuits have been established. In 1900 there were filed in Shelby County (the proposed new circuit), 244 civil cases; in Rush and Fayette counties, 262 civil cases; in Franklin and Union counties, 144 civil cases, or a total of 650 civil cases in the three proposed circuits. In Union County there was one jury trial, requiring two days; in Franklin County three jury cases, requiring seven days, or nine days in one year in this proposed Thirty-seventh Circuit. Statistics show that litigation in the counties affected by this bill has fallen off one-third in fifteen years. In fourteen judicial circuits of Indiana an average of 600 civil cases are disposed of per year, or nearly as many as are filed in the three proposed circuits.

It would seem, therefore, a travesty for this bill to become a law. On the basis of this bill creating a circuit of Franklin and Union counties, there would be 200 judicial circuits in Indiana. The combined business of all the counties affected by this bill does not equal that of any one of the courts of Marion County.

Statement is furnished by one who is in a position to know that in Shelby County the docket in January, 1902, was "as nearly clear as it is possible to keep it. The business in Shelby and Rush now does not require all the time of the court; that it could dispose of fifty more cases than we have. We have eight terms of court per year. I have disposed of 100 civil cases per term. During the last year there were filed in Shelby 204 cases; in Rush, 171 cases. The present circuit of Franklin, Union and Fayette has not at present nearly one-half enough business to occupy the time of a judge—from 225 to 250 civil cases per year in all three counties. This inexcusable measure proposes to cut up this piece of a circuit and make one out of Franklin and Union. In the last year Union County had 33 cases and Franklin 111, or a total of 144. This would not make business enough to keep a judge busy one-fourth of the time. This proposed Union-Franklin circuit would have the least business in it of any circuit in the United States. Twenty years ago, before the separate circuit idea struck Indiana, our judges averaged about 600 to 700 cases per annum. They can do it yet. What Indiana needs is an overhauling of circuits. Twenty of the 68 or 70 judges can be dispensed with without any inconvenience whatever. If I had them all together I could try the 650 cases per year filed in the counties of Rush, Shelby, Fayette, Union and Franklin. Instead of this, this bill proposes to make three circuits out of said five counties. Shelby County now has 204 cases; 18 years ago it had 420. Rush County 18 years ago had 410 cases; last year 171. Eighteen years ago litigation was more than double what it is now in the said five counties."

From another reliable source I have the following: "The statistics of 1900 show the three Marion Superior judges disposed of 2,205 cases, an average per judge of 735, which was more than in all three of the proposed circuits, and four times as much business as there was in the little circuit of Franklin and Union. There

was one jury trial in Union County in the past year, and the judge can dispose of all the business in Union County for one year in two weeks. The above facts and figures show that the counties composing the two circuits should be made into one circuit, instead of making an extra circuit. One competent judge can dispose of all the business, civil, criminal and probate, in all the counties in the three circuits. The legal business in the several counties, which has been constantly decreasing for the past few years, will continue to decrease. There is no more need for the enactment of the proposed bill than the country needs more water during a flood. To pass this bill is simply to create a civil pension list. The people of the great and glorious State of Indiana have always responded, and will always respond, to any just and proper movement or expense for the material welfare and progress of the State, or for her honor and glory, but useless extravagance must not go too far."

The foregoing and lengthy quotations from those who have a right to speak, and speak for the masses, in my opinion are competent to lay before you, and are good and sufficient reasons for withholding approval of the bill.

VETO OF HOUSE BILL No. 178.

Indianapolis, Ind., March 4, 1903.

Mr. Speaker:

I respectfully return herewith, without approval, House Bill No. 178.

This bill seeks to create a separate circuit for Clay County. There is nothing growing out of the necessities of the judicial situation to warrant this measure becoming a law. It is in line with the apparent contagion prevalent during the biennial sessions of the Legislature for the extensions of judicial circuits, without good and sufficient reasons for the multiplication of courts and the added burdens to the taxpayers.

The Bureau of Statistics, in the report for 1900, shows that Clay County had 238 civil cases filed, and only 78 pending at the end of the year; that there were four civil cases tried by juries, occupying five days; the other minor cases, incidental to probate

business, were correspondingly light. At the close of the January term, 1903, the docket shows sixty cases not disposed of.

The conditions existing in Putnam County, which, with Clay, constitutes the present judicial circuit, disclose "that at the present time there are no State cases for trial in that county; that there are two probate causes for trial and nine civil causes that may be tried, although two of these are marked doubtful by the clerk." The showing, therefore, is that there are eleven cases on the docket of Putnam County which will probably be tried. Statement is made that "it is doubtful whether there is another county in the State with a docket lighter than that shown in Putnam County. It seems really ridiculous to make a separate circuit out of Putnam County."

Not a single favorable statement has been made in behalf of Putnam County being left a separate circuit, while protests have been filed, verbally and in writing, against a separation.

In this connection I believe it pertinent to state that there have been probably three hundred protests filed with me in the last few days against the creation of separate judicial circuits in the State, which may safely be considered the voice of the people against further and unnecessary taxation.

VETO OF HOUSE BILL No. 118.

Indianapolis, Ind., March 6, 1903.

Mr. Speaker:

I respectfully return herewith, without approval, House Enrolled Act No. 118, proposing to provide for an increase of salaries of judges of circuit and superior courts in counties ingeniously described as "containing certain population," thereby making the act apply to courts in five of the most populous counties of the State. Inasmuch as the bill provides for a considerable increase of salaries, and notwithstanding the fact that a large portion of the burden of increase falls on the particular counties so affected, I am forced to the conclusion that the proposition is wrong in principle and detrimental to public interests. It is a self-evident truth that the judiciary of the State should be free from the least suspicion of sordidness; yet, by some remarkable

course of reasoning, appeals are urged upon each succeeding General Assembly to not only increase the number of judicial circuits, thereby multiplying court officials to be maintained at the expense of taxpayers, but to increase salaries as well. It is reasonable to assume that court officers are informed in advance of their election of the remuneration they are to receive, and so far as public information throws light on the subject, there have been no resignations on account of insufficient compensation. As a matter of fact, no class of officials are more generously provided for than those connected with the judiciary, and it is my deliberate judgment that any further increase would meet with general condemnation.

In making provisions for the increase of salaries in certain counties, the bill purposely excludes one judge without any reason assigned therefor, thus permitting petty personalities to enter into an act of the gravest public concern.

The general appropriation bill of the Sixty-third General Assembly has assumed proportions which admonish us to deal carefully with every measure proposing to materially increase the State's annual payroll, and, as a matter of principle, as well as a matter of common business prudence, I am compelled to return this bill to the House without my approval.

VETO OF SENATE BILL No. 291.

Indianapolis, Ind., March 9, 1903.

Mr. President:

I return herewith Senate Bill No. 291 without my approval.

This bill provides that hereafter any and all acknowledgments of mortgages to savings and loan associations, organized under the laws of this State, and taken and certified to by any notary public, who, at the time of such action, is a stockholder in the said association, shall be legal and binding to all intents and purposes. The law now is that any person who is interested in a bank, even in a clerical capacity, can not take acknowledgments in which the bank is interested, and is not even permitted to protest paper handled by the bank. I see no good reason why a notary public, who is a stockholder, or interested in a saving and

loan association, should have any greater right than a stockholder in a bank. In fact, it violates the spirit of our laws to allow an interested person to take acknowledgments, and I believe it much safer that the law should stand as it now is.

VETO OF SENATE BILL No. 250.

Indianapolis, Ind., March 9, 1903.

Mr. President:

I herewith return Senate Bill No. 250 without my approval.

The title of the act does not agree with the body. The title of the act is to amend Section 1 of an act to amend Section 13 of an act entitled an act further regulating the furnishing of books, etc., and the body of the act amends Section 13, instead of amending Section 1, as set forth in the title. Therefore, this act can not be a valid law.

VETO OF HOUSE BILL No. 174.

Indianapolis, Ind., March 9, 1903.

Mr. Speaker:

I return herewith, without approval, House Bill No. 174, which purposes to amend Section 1 of an Act of 1899, providing for information in the annual statement to the Auditor of State, while the present bill strikes out the statutory requirement and leaves these very vital matters to the discretion of the Auditor of State. This bill also repeals the present law whereby service on a company can be had in any county of the State by having service on the agent of the company.

This measure seeks to admit to this State mutual fire insurance companies possessed of $20,000 in money and $100,000 in premium notes. This is the present statute governing mutual companies organized in Indiana. It opens the door for all the frauds and follies of assessmentism, and places fire indemnity on such an unstable financial basis as to seriously impair the security of the insured. It is the duty of the State to protect the insuring public by requiring the best standards of solvency. The law

requires foreign fire companies to have at least $200,000 in the highest grade of securities, and this is reinforced by the necessity of also keeping the unearned premium liability preserved intact. This bill would make a class distinction in favor of companies whose assets are principally promises to pay. Mutual fire insurance companies engaged in interstate underwriting are liable to have such an insecure and inefficient capitalization go up in flame and smoke in a single night. Fire insurance is one of the strong arms of business. Citizens of this Commonwealth have paid too dearly in the past for insurance with paper assets to now open the State to a class of companies from other States, whose treasury is principally unsecured bills receivable, and whose safeguards in underwriting are a hazard to the proper protection of the interests involved.

I can not approve of any law that discriminates upon the side of weakness in the standard of solvency and security of fire insurance.

VETO OF SENATE BILL No. 181.

Indianapolis, Ind., March 9, 1903.

Mr. President:

I herewith return Senate Bill No. 181 without my approval.

This bill seeks to amend Section 11 of an act entitled an act concerning the organization and perpetuity of voluntary associations, and seeks to give such associations the power to borrow and loan money.

The title of the act is defective in omitting the word "organized," which appears in the act that this act seeks to amend, and this bill is open to the further objection that such associations ought not to be given the power to borrow and loan money, as the doors would be open for home co-operative associations to do an improper business and a business that the State has been seeking to prevent for years.

VETO OF SENATE BILL No. 221.

Indianapolis, Ind., March 9, 1903.

Mr. President:

I herewith return Senate Bill No. 221 without my approval, having approved House Bill No. 24, which covers the entire subject matter of Senate Bill No. 221.

VETO OF HOUSE BILL No. 356.

Indianapolis, Ind., March 9, 1903.

Mr. Speaker:

I herewith return House Bill No. 356 without approval.

This bill is an act to amend Section 97 of an act approved March 9, 1889, entitled an act to amend Section 97 of an act entitled an act to provide for a general system of common schools, etc.

There is no Section 97 in the act of 1889 which this bill attempts to amend. There is only one section in the act of 1889, and, therefore, this act is invalid and can not be approved for the reason above stated.

VETO OF HOUSE BILL No. 426.

Indianapolis, Ind., March 9, 1903.

Mr. Speaker:

I herewith return House Bill No. 426 without my approval.

This bill provides for assessments for public improvements against real property held by the State or any county under mortgage given to secure a loan of money from the university fund or permanent endowment fund or the common school fund in cities of 100,000 population or more. The bill makes no provision for any notice to the State or county or any officer of same, and, under the terms and provisions of this proposed law, the State and the county would have no power to be heard as to the regularity of the proceedings, or the amount of the assessment made against its property.

VETO OF HOUSE BILL No. 361.

Indianapolis, Ind., March 9, 1903.

Mr. Speaker:

I herewith return House Bill No. 361 without my approval.

This bill purports to amend Section 18 of an act entitled an act concerning landlords and tenants, approved April 7, 1881, and, in addition to amending what is set forth in the title of the act, it adds an additional section without having a proper title therefor. The section amended gives to the landlord a lien on the crop raised under the contract with his tenant, and the amendment deprives the landlord of this lien and simply limits the right of the landlord to have the tenant prosecuted for petit larceny. The act as attempted to be amended would be invalid for the reasons above stated, and the section of the statute ought not to be amended to deprive the landlord of his lien, which has been the law for so many years.

VETO OF SENATE BILL No. 321.

Indianapolis, Ind., March 9, 1903.

Mr. President:

I herewith return Senate Bill No. 321 without my approval.

This bill seeks to amend Sections 60 and 62 of an act entitled an act concerning taxation, repealing all laws in conflict there with and declaring an emergency, approved March 6, 1891.

This bill can not be approved for the reason that the same sections of the same act have already been amended by this General Assembly in House Bill No. 130, which has become a law, and, therefore, should this bill be approved it would be invalid.

VETO OF SENATE BILL No. 25.

Indianapolis, Ind., March 10, 1903.

Mr. President:

I herewith return Senate Bill No. 25 without my approval.

This is a bill for an act to regulate the running and operating of automobiles upon the public highways of this State.

The title of the bill and the body of the same are in conflict. The title provides "for the registration and numbering of the same by the clerk of the circuit court," while the body of the bill contains no provision whatever for numbering by the clerk.

The bill provides "that any person operating an automobile upon any of the public highways of the State (except within the limits of cities and incorporated towns) shall turn to the right when meeting other vehicles." I see no good reason why the person operating an automobile should not be required to turn to the right in a city or incorporated town when meeting other vehicles, the same as the bill proposes to require in the country. The same rule of law should be applied to automobiles as to other vehicles traveling upon our streets and public highways in so far as such general rules of law can be made applicable, and I can not approve the general provisions of a bill which would have the effect of rendering invalid and ineffectual the ordinances of cities and towns requiring vehicles and automobiles to turn to the right upon the streets of such cities and towns.

VETO OF JOINT RESOLUTION No. 3.

Indianapolis, Ind., March 10, 1903.

Mr. Speaker:

I herewith return Joint Resolution No. 3, House of Representatives, without my approval.

The title of this joint resolution authorizes and directs the Auditor of State, in conjunction with the Superintendent of Public Instruction, to investigate the methods of county bookkeeping throughout the State and of other States, and report the result of their investigations and a plan for uniform system of bookkeeping to the next General Assembly. The body of the joint resolution provides that "the Auditor of State is hereby authorized and directed, in conjunction with the Superintendent of Public Instruction, to investigate the different systems of bookkeeping now in use in the penal and benevolent institutions and different counties of the State, and such of the systems of bookkeeping in other States as they may deem necessary."

The title of the resolution and the body of the same are inconsistent, the title simply providing for the investigation of the methods of county bookkeeping, and the body providing for the investigation of different systems of bookkeeping now in use in the penal and benevolent institutions as well as the methods of county bookkeeping.

By reason of the difference in the title and body of the act, it leads to confusion, and is therefore a resolution that will be ineffective and inefficient. In addition to the above objection, no provision is made whatever for any expenses incurred by such officers in making such investigations.

VETO OF HOUSE BILL No. 181.

Indianapolis, Ind., March 10, 1903.

Mr. Speaker:

I herewith return House Bill No. 181 without my approval.

This bill seeks to amend Section 1 of an act to provide for the reimbursement of school townships where school property belonging thereto has been or shall hereafter be annexed to any city or incorporated town.

I understand that this bill is intended to make the town of Flora reimburse the township in which it is situated for the cost of the school house recently annexed by it. But, of course, the bill is general, and no one can know what inequity it may be to other towns and cities. The bill is open to the serious objection that it requires the annexed corporation to pay the prior indebtedness before taking possession of the school property. Such prior indebtedness, in many cases, stands with long time bonds. It follows that the annexed corporation must operate the schools for perhaps twenty years until the bonds can be paid, without having possession of the school property, and at the end of the twenty years pay six per cent. interest on the debt, although the bonds might only be drawing four per cent. The bill is retroactive in its character, and there is always grave objection to any bill of such character, and this is true when nothing is known of the possible consequences of such a law. If applicable only to future annexations, the consequences can take care of them-

selves. No law should be enacted by which a town or city is required to assume indebtedness without getting possession of the school property, and legislation of this character is certainly very dangerous in this general form.

VETO OF HOUSE BILL No. 233.

Indianapolis, Ind., March 10, 1903.

Mr. Speaker:

I herewith return House Bill No. 233 without my approval.

This bill is entitled an act for the taxation of gifts, legacies and inheritances. A bill of this character should be carefully considered, thoroughly examined, and properly drawn. In Section 1 of this act it is provided when the transfer is by will or by the "inestate" laws of this State from any person dying seized or possessed of the property while resident of this State at the time of his death. Section 2 provides when the transfer is by will or by "inestate" laws of this State of property within the State and the decedent was a nonresident at the time of his death. These two sections are rendered ineffectual by reason of the use of the word "inestate" as applicable to the laws of the State. We have no "inestate" laws in Indiana. The Legislature probably intended to use the word "intestate," but as the word "inestate" is used in the first and second sections of the act, we must take the act as presented and consider it from that standpoint, and in view of the fact that these two sections of the act must necessarily be rendered ineffectual by the use of the wrong word as applicable to our laws, the entire bill is changed and the objects and purposes which it seeks to cover defeated.

Without considering further the merits of this proposed law, I can not approve a measure which is so imperfectly drawn in the respects above indicated.

VETO OF HOUSE BILL No. 120.

Indianapolis, Ind., March 10, 1903.

Mr. Speaker:

I herewith return House Bill No. 120 without my approval.

This bill is an act to legalize and declare valid the marriage of Franklin McDaniel and Mary E. McDaniel, and the reason assigned in the body of the act for the legalizing of this marriage arises from the fact that it is claimed that the records of Monroe County fail to disclose that a divorce was granted to Mary E. Stevens from Peter Stevens, Mary E. Stevens now being Mary E. McDaniel. I am in possession of a certificate under the hand and seal of the clerk of the Monroe County Court, showing that at the December term, 1872, a divorce was granted in regular form to Mary E. Stevens from Peter Stevens. Hence there is no reason whatever for the passage of this act, and no occasion for legalizing the marriage of Franklin McDaniel and Mary E. McDaniel.

VETO OF HOUSE BILL No. 35.

Indianapolis, Ind., March 10, 1903.

Mr. Speaker:

I herewith return House Bill No. 35 without my approval. It is a bill authorizing school trustees of incorporated towns to borrow money to be used in the erection or enlargement of school buildings where the funds on hand and the funds derived from the sale of bonds under existing laws are insufficient for the purpose, allowing them to issue certificates of indebtedness therefor, and providing for their payment.

This bill provides that whenever the school building or buildings in any incorporated town or city are found, by the proper school officers of said town, to be insufficient and inadequate for the accommodation of the children of said town of school age, and it is necessary to erect a new building or enlarge a building already erected, and sufficient funds to meet such requirements are not on hand and can not be procured by the issuing and sale

of school bonds by such town as is now authorized by law, it shall be lawful for the school trustees of such school corporation to issue and sell certificates of indebtedness for the purpose of meeting such deficit. This is a bill general in character. While it may be intended to relieve some particular incorporated town, it is applicable to all incorporated towns in this State. It does not limit the amount of the certificates that are to be issued except that the aggregate warrants so issued shall not be in excess of the money required to meet the deficit that may be created by the action of the school officers, thus permitting the school officers to create any deficit.

The proposed act is open to the further objection that the rate of interest on such certificates may be six per cent., and such certificates and school bonds ought to be sold bearing a rate of interest not exceeding five per cent. The proposed act does not provide that the certificates shall be sold for not less than par—and certainly certificates issued by incorporated towns for school purposes should be sold for par—and the doors are left open for school officers of such incorporated towns to sell bonds or certificates for any amount that they may deem advisable in their discretion.

VETO OF HOUSE BILL No. 168.

Indianapolis, Ind., March 10, 1903.

Mr. Speaker:

I herewith return House Bill No. 168 without my approval.

This bill seeks to amend Section 3 of an act concerning labor and providing means for protecting the liberty, safety and health of laborers. The general act upon this subject recognizes that a "female young person" is one under the age of 18 years, while the proposed amendment limits the application of Section 3 to a "female young person" under the age of 16 years, instead of 18 years, as heretofore provided in our laws upon this subject.

The proposed amendment only applies to female young persons, and if the terms and provisions of the same are proper, it should also be made applicable to male young persons as well. The general provisions of the proposed amendment can not be approved.

The law permits the employment of "female young persons" over the age of 14 years, and while the proposed amendment does not seek to prevent the employment of "female young persons" under the age of 16 years, the general terms and provisions of the same renders the employment of such young persons inefficient and ineffectual.

VETO OF HOUSE BILL No. 95.

Indianapolis, Ind., March 11, 1903.

Mr. Speaker:

I herewith return House Bill No. 95 without my approval.

This bill seeks to authorize cities having a population exceeding 3,410 and less than 3,500, owning and operating their own water works systems to extend such systems by levying an assessment upon the property benefited thereby. The bill further provides that the common council of such city may order the extension of the water mains of such water works system, and the laying of house connections thereto, along any and upon such streets as it may from time to time deem necessary, in the same manner as street, alley and sewer improvements are ordered in cities not operating under a special charter, and the cost of such extensions of water mains and house connections thereto shall be assessed upon the property benefited thereby in proportion to the benefits derived therefrom.

This bill is a serious innovation from our general laws now providing for the method of laying water mains and for the extension of water works systems by cities owning their own water works, and this is a new and special method which has never been tried and tested and which would work a serious hardship to the people of the locality affected.

The bill, while general in character, is a local one intended to be applied to the city of East Chicago, and to permit the city of East Chicago to lay water mains from the old portion of the city to the new portion known as Indiana Harbor. While the bill provides that the cost of such extensions of water mains and house connections thereto shall be assessed upon the property benefited thereby in proportion to the benefits derived therefrom, and that

all laws or parts of laws now in force applicable to street, alley and sewer improvements shall be applicable to the laying of water mains under the proposed act, still no provision is made for a hearing, and special legislation of this character ought not be approved.

VETO OF SENATE BILL No. 242.

Indianapolis, Ind., March 11, 1903.

Mr. President:

I herewith return Senate Bill No. 242 without my approval.

This is a bill seeking to amend Section four of and act entitled an act authorizing and empowering incorporated cities of the State of Indiana having a population of more than ten thousand, according to the last preceding United States census, not acting under a special charter, to create boards of electric light commissioners and boards of water works commissioners and prescribing their duties and powers.

This bill, if enacted into a law, would apply to a large number of the cities of this State. There is no limit as to the amount of indebtedness that may be created, no specification as to the time that the indebtedness is to run, and the rate of interest may be six per cent., which is an undue rate of interest under present circumstances and conditions. No bill of this character ought to permit a rate of interest to be created in excess of five per cent.

VETO OF SENATE BILL No. 388.

Indianapolis, Ind., March 11, 1903.

Mr. President:

I herewith return Senate Bill No. 388 without my approval.

This is a bill concerning the University fund, commonly known as the College fund of the Indiana University, providing for the custody of said fund, the loaning thereof, collection of the same and the application thereof.

The bill provides that all moneys that are now in the hands of the Treasurer of State, or which shall hereafter come into the

hands of the Auditor of State, belonging to the University fund, shall be turned over to the trustees of Indiana University and loaned in the name of the State of Indiana by the trustees of said university.

The bill further provides that all such moneys shall be loaned in the name of the State of Indiana by the trustees of Indiana University and be secured by mortgage on real estate "upon the best terms obtainable."

The bill further provides that when the interest or principal of any such loan shall become due and remain unpaid, the trustees of Indiana University shall proceed to collect the same by suit in the name of the State of Indiana, for the use and benefit of the university, or by sale of the mortgaged premises, or by both.

This bill seeks to take the handling of the funds in question out of the hands of the Auditor of State, and place the same in the hands of the trustees of the university, and by reason of so doing, the State, to a certain extent, would lose control over such funds.

The provision in the bill that the trustees of Indiana University may loan such funds "upon the best terms obtainable" is certainly objectionable. No law should be enacted giving such power of discretion to any public officer or to any board of trustees. The provision of the proposed bill, making it mandatory on the trustees of the university to proceed to collect loans when the principal or interest shall become due and remains unpaid, is unwise and unbusinesslike. If the loan is a good one, and the interest is paid there is no valid reason for suit to be instituted immediately upon the principal becoming due. It may be much better for the State, and for the university interested in the fund, for the loan to remain in existence so long as the security is intact and the interest promptly paid.

I understand that the reason the university funds are lying idle and not loaned is because of the restriction in the law limiting the amount of any one loan to $500, and that this fact is one of the reasons for the passage of this bill transferring the funds in the manner hereinbefore indicated. This restriction can be easily removed by the Legislature, and the funds handled by the proper officers of the State.

VETO OF HOUSE BILL No. 363.

Indianapolis, Ind., March 11, 1903.

Mr. Speaker:

I herewith return House Bill No. 363 without my approval.

The title of this bill is an act to prevent the drainage of any of the fresh water lakes in the State of Indiana.

If the body of the bill followed the title, it would meet my unqualified approval. The body of the bill, however, provides that no ditch or drain not already established shall hereafter be located, established or constructed in the State of Indiana by any person, persons, firm or corporation, or under or by virtue of any law of the State of Indiana authorizing the construction of drains or ditches, within a quarter of a mile of the meander line of any of the fresh water lakes, "except lakes having an area of one hundred and sixty acres or less," thus permitting the drainage of all fresh water lakes of the State of Indiana containing an area not exceeding one hundred and sixty acres of land. Under the decision of our courts fresh water lakes in this State can not be drained, and I do not believe that we ought to permit the destruction of lakes covering an area of less than one hundred and sixty acres.

Indiana is noted for its fresh water lakes. They afford attractive and health restoring resorts, and add very materially to our State from a commercial standpoint. To permit the destruction of these bodies of water would deprive many localities in Indiana of the attractive features that the people now so thoroughly enjoy.

VETO OF HOUSE BILL No. 328.

Indianapolis, Ind., March 12, 1903.

Mr. Speaker:

I respectfully return, without approval, House Bill No. 328, which purports to be a measure to provide State guardianship over the practice of optometry, including provisions concerning the "accommodative and refractive conditions of the eye."

The principal objection to this bill is based on the fact that there is no apparent necessity for it, except as it serves the means of creating another expensive bureau without conferring any appreciable benefit on the people.

The argument in favor of these additional departments that they do not impose an additional burden on the taxpayers as a whole, is not tenable in logic, because the effect is to single out individuals to be compelled to pay exorbitant license fees for the ostensible purpose of being thereby the better equipped for practicing their respective professions, but primarily as a means of supporting extravagant commissions.

VETO OF HOUSE BILL No. 276.

Indianapolis, Ind., March 12, 1903.

Mr. Speaker:

I return herewith, without approval, House Bill No. 276.

This bill has particular reference to the city of New Albany, although general in its terms. It provides that in cities having a certain population, boards of school trustees may purchase land and erect thereon a building or buildings for the purpose of a high school, manual training school or other schools. The bill further provides that the board of school trustees may borrow money and from time to time issue and sell negotiable bonds of such school city, running not to exceed ten years; provided, however, that the aggregate amount of such bonds outstanding at any one time shall not exceed the sum of $25,000.00.

I can not approve of this bill for the reason that I have heretofore approved House Bill No. 262, which gives relief to all the cities of the State not operating under special charters, and enables the board of school trustees of such cities to incur, in addition to the present two per cent. constitutional limit of such cities, three-fourths of one per cent. without a vote, and to the extent of two per cent. when the proposition shall have been submitted to a vote of the people of a city proposing to create such an additional indebtedness.

VETO OF SENATE BILL No. 31.

Indianapolis, Ind., March 12, 1903.

Mr. President:

I respectfully return herewith, without approval, Senate Bill No. 31.

This is a bill for an act to establish a State laboratory of hygiene, providing an appropriation for its establishment and maintenance, prescribing penalties, and repealing all conflicting laws.

The bill must be considered in connection with Chapter 21, page 189, of the Acts of 1899. While this bill attempts to provide means for enforcing the Act of 1899, it also adds a department of pathology, hygiene and preventive medicine. The bill further provides that the laboratory shall be located in the basement of the State House.

Section 4 provides that the State Board of Health shall be the director of said laboratory of hygiene, and shall have the power to employ and discharge employes, fix the salaries of all employes necessary to properly conduct said laboratory and for the enforcement of the pure food and drug law. But this section provides no qualifications for employes, and no qualifications are required under the general terms and provisions of the proposed act, although such employes would be engaged in work involving the highest technical skill, requiring of such employes an unusual amount of discretion.

The act of 1899, relating to food and drug adulteration, is a step in the right direction, and additional legislation can be passed in the form of amendments of this act, which would deal certainly and definitely with the subject.

The proposed bill covers three distinct fields, and, in a general way, covers other laws upon the same general subject, and, as it contains a repealing clause, much litigation and confusion might follow.

The provision in reference to the location and maintenance of the laboratory in the basement of the State House, is very objectionable. No laboratory should be so located, and such location would be a hazard to the property of the State.

It has been urged in support of this bill that Purdue University is opposed to the establishment of a State laboratory in connection with said university, but, from the highest authority, I am informed that such claims are unfounded. Special appropriations were made for Purdue University by the last General Assembly amounting to the sum of $149,974, and if a State laboratory is necessary, it ought to be located in connection with said

institution, and should not be created, established and located in the basement of the State House.

The State of Indiana has only recently splendidly equipped a pathological laboratory, at an expense of $20,000, in connection with the Central Hospital for the Insane.

Serious objections can be urged against this bill along the lines above indicated, and competent, disinterested authorities have pointed out many objectionable features.

VETO OF HOUSE BILL No. 4.

Indianapolis, Ind., March 12, 1903.

Mr. Speaker:

I return herewith, without approval, House Bill No. 4.

This bill has particular reference to the city of Jeffersonville, and the objections to it are the same as set forth in detail in the veto of House Bill No. 276, applying to the city of New Albany.

VETO OF HOUSE BILL No. 382.

Indianapolis, Ind., March 12, 1903.

Mr. Speaker:

I respectfully return herewith House Bill No. 382, without approval, for the reason that there is no authority in law for the establishment of an industrial school for any class of afflicted persons, except as specifically provided for by statutory enactment.

The State may create institutions for the care of unfortunates, but it can not consistently lend its aid to an enterprise that is essentially private. It would be unnatural for any one to manifest an unwillingness to assist in the forwarding of any movement designed to improve the condition of afflicted persons, but if this bill should become a law it would be held as a precedent for the establishment of innumerable institutions of similar character, thereby imposing upon the taxpaying public a burden they would not and could not assume in justice to themselves.

PROCLAMATIONS.

LABOR DAY, 1902.

Conforming with legislative action, and in cheerful compliance with custom, I hereby designate and proclaim, Monday, September 1, 1902, a legal holiday, recognized by law and commonly known as Labor Day.

The occasion is designed to permit all classes of wage-earners to suspend their usual vocations in order that they may join in such recreation as may be deemed proper for their enjoyment and for the advancement of the interests with which they are identified. To the end that all employes may have the fullest opportunity to participate in the festivities of the day, and with the view of carrying out the spirit and beneficial objects of the law, it is recommended that all public and ordinary business be suspended, so far as may be found practicable, that factories be closed during the period named, and that every facility be afforded by employers to employes to avail themselves of the benefits of a day set apart especially for those who are producers of the wealth of the Nation, and who are therefore entitled to share in the prosperity which has placed the United States at the forefront of the industrial development of the world. The interests of capital and labor are mutual, and in these interdependent relations common welfare of necessity depends upon hearty co-operation. Human industry, whether exerted in the banking house or in the mines, in public offices or at forges, in the fields or wherever found, deserves to command respect, as well as to earn substantial reward. I therefore appeal to all classes of citizens to observe the day as a general holiday, in honor of the forces which have contributed so generously to the prosperity of the State and Nation, and which have not only dignified labor, but have likewise raised the standard of American citi-

zenship, as a whole, far above that of any other nation of the earth.

Done at the Capitol of Indiana, in the city of Indianapolis, this 9th day of August, in the year of our Lord 1902.

WINFIELD T. DURBIN,
Governor.

By the Governor:
UNION B. HUNT,
Secretary of State.

(Seal.)

THANKSGIVING DAY, 1902.

The year now drawing to a close has been marked by manifold blessings in which all our citizens have mutually shared and for which they should be profoundly grateful. It has been a period of peace and plenty and prosperous conditions which have served well the purpose of filling homes with comfort and the hearts of the people with becoming gladness,—all the more gratifying because of substantial assurance that these favors will be long continued.

Citizens of the great Commonwealth of Indiana have been especially blessed. The State has been free from epidemics and secure from other ills menacing to the general public weal. The good mother earth has yielded prodigally from her generous stores, as witnessed by garnered treasures gleaned from fertile fields. Labor, the creative power of wealth, has found ready employment and compensating returns. Political rancor rules less and less in the minds of men, and a commendable spirit of patriotic duty, conceived in conscience, is becoming more and more dominant in deciding the rule of conduct among sovereigns who are charged with the sacred responsibilities of sustaining and perpetuating principles of government by the people for the people.

In view of the gracious beneficences that have been vouchsafed by an indulgent Providence, in conformity with the initiative taken by the President of the United States, and agreeable to an honored custom instituted by our pilgrim forbears, I recommend that Thursday, the 27th day of November, 1902, be rec-

ognized and observed as a day of Thanksgiving to the Giver of all good for the mercies and blessings bestowed upon us; that all manner of business be suspended, so far as practical; that all public offices be closed, in order that the people thus temporarily relieved from the care and vexation of exacting vocations, may join in acknowledging their dependence on the wisdom of the King of Kings in prayerful testimony offered at the throne of grace. "Remember the day to keep it holy;" let us remember especially those who are in sickness and distress, and by acts of practical charity prove the sincerity of our gratitude. It is a good day to ask forgiveness for our trespasses, as well as to cheerfully grant forgiveness to those who may have trespassed against us, and it is a good time to reconsecrate our lives to the achievement of higher ideals in all that concerns the welfare of the common brotherhood, not forgetting to mingle with our thanks such offerings to the needy as our purses will permit, constantly mindful of the ever-present fulfillment of the promises of God.

Witness my hand and the great seal of Indiana. Done at the Capitol, in the city of Indianapolis, this fifth day of November, in the year of our Lord one thousand nine hundred and two, of the independence of the United States the one hundred and twenty-sixth, and of the State the eighty-sixth.

WINFIELD T. DURBIN,
Governor of Indiana.

By the Governor:

UNION B. HUNT,
Secretary of State.

(Seal.)

CALLING A SPECIAL ELECTION FOR SHERIFF IN GREENE COUNTY.

Whereas, It appears by the election returns of votes cast for various persons for county offices in Greene County, at the general election held November 4, 1902, which returns, duly certified by Joseph W. Yakey, Clerk of the Greene Circuit Court, were filed with the Secretary of State on November 11, 1902, that

Alfonzo F. Wilson and John C. Huffman, receiving votes for sheriff in said Greene County at said election, have the highest and equal number of votes for the same office, each having received thirty-five hundred and five votes, the total vote for all other candidates for sheriff having been but two hundred and sixty-two votes, and, in consequence of such tie vote, no sheriff of Greene County was elected at such election; now, therefore,

Know Ye, That I, Winfield T. Durbin, Governor of Indiana, in compliance with the provisions of Sections 4731 and 4732 of the Revised Statutes of Indiana of 1881, do hereby declare the existence of a prospective vacancy in the office of sheriff of Greene County, ordering a special election to be held on Saturday, the twentieth day of December, A. D. 1902, for the election of a sheriff of Greene County, to serve for two years from and after January 1, 1903.

The sheriff of Greene County is, therefore, hereby commanded to give at least ten days' notice by publication and otherwise, following the provisions governing general elections. Such notice is to be addressed to the qualified electors of Greene County, stating the time and place where polls will be open for the election of a sheriff; which said election shall in all respects be governed by the provisions of the law regulating general elections, so far as applicable.

Of this writ you will deposit a certified copy with the clerk of the Greene Circuit Court, and make due return of the original to this office.

In Witness Whereof, I have hereunto set my hand and caused to be affixed the seal of the State of Indiana, at the city of Indianapolis, this twentieth day of November, in the year of our Lord one thousand nine hundred and two, of the independence of the United States of America the one hundred and twenty-sixth, and of the State of Indiana the eighty-sixth.

WINFIELD T. DURBIN,
Governor of Indiana.

By the Governor:

UNION B. HUNT,
Secretary of State.

(Seal.)

CALLING A SPECIAL ELECTION FOR SENATOR FOR THE SENATORIAL DISTRICT OF WAYNE COUNTY.

Whereas, It has been duly certified to me by the clerk of the Wayne Circuit Court that a vacancy exists in the office of senator for the senatorial district of Wayne County, due to the death of Charles C. Binkley, who was chosen as senator for said senatorial district of Wayne County at the general election held November 4, 1902, for the term of four years; now, therefore,

Know Ye, That I, Winfield T. Durbin, Governor of Indiana, in compliance with the provisions of Sections 4731 and 4732 of the Revised Statutes of Indiana for 1881, do hereby declare the existence of a vacancy in said senatorial district, and do hereby order a special election to be held on Saturday, the 27th day of December, A. D. 1902, for the election of a senator for said senatorial district of Wayne County, to serve for a term of four years.

The sheriff of Wayne County is therefore hereby commanded to give at least ten days' notice by publication and otherwise, following the provisions governing general elections. Such notice is to be addressed to the qualified electors of Wayne County, stating the time and place where polls will be open for the election of a senator to fill the vacancy aforesaid, which said election shall in all respects be governed by the provisions of law regulating general elections, so far as applicable.

In Witness Whereof, I have hereunto set my hand and caused to be affixed the great seal of the State of Indiana, in the city of Indianapolis, this 24th day of November, A. D. 1902, of the independence of the United States of America the 126th, and of the State of Indiana the 86th.

WINFIELD T. DURBIN,
Governor of Indiana.

By the Governor:

UNION B. HUNT,
Secretary of State.

(Seal.)

CALLING A SPECIAL ELECTION FOR THE ELECTION OF A MEMBER OF THE HOUSE OF REPRESENTATIVES OF THE SIXTY-THIRD GENERAL ASSEMBLY OF INDIANA.

Whereas, It has been duly certified to me by the clerk of the Daviess County Circuit Court that a vacancy exists in the office of representative in the Sixty-third General Assembly, due to the death of Aikman Carnahan, who was chosen as such representative of said Daviess County at the general election held November 4, 1902, for the term of two years; now, therefore,

Know Ye, That I, Winfield T. Durbin, Governor of Indiana, in compliance with the provisions of Sections 4731 and 4732 of the Revised Statutes of Indiana for 1881, do hereby declare the existence of a vacancy in such representative district, and do hereby order a special election to be held on Saturday, the third day of January, 1903, for the election of a representative as aforesaid, to serve for the term of two years, as provided by law.

The sheriff of Daviess County is therefore hereby commanded to give at least ten days' notice by publication and otherwise, following the provisions governing general elections. Such notice is to be addressed to the qualified electors of Daviess County, stating the time and place where polls will be open for the election of such representative to fill the vacancy aforesaid, which said election shall in all respects be governed by the provisions of law regulating general elections, so far as applicable.

In witness whereof, I have hereunto set my hand and caused to be affixed the great seal of the State of Indiana, in the city of Indianapolis, this 11th day of December, A. D. 1902, of the independence of the United States of America the one hundred twenty-sixth, and of the State of Indiana the eighty-sixth.

WINFIELD T. DURBIN,
Governor of Indiana.

By the Governor:

UNION B. HUNT,
Secretary of State.

(Seal.)

ANNOUNCING THE DEATH OF GENERAL ROBERT S. FOSTER, MARCH 3, 1903.

The melancholy duty devolves upon me of announcing the death of General Robert S. Foster, Quartermaster-General of Indiana, which occurred at his home in Indianapolis at 3:45 p. m. on Tuesday, March 3.

General Foster was one of the most conspicuous survivors of the Civil War. He was closely identified with Grant, Sherman, Sheridan, Thomas and others who achieved immortal fame as victorious leaders of the mighty legions of the North marshaled under the flag of the Union. At the beginning of the sectional conflict Robert S. Foster raised a company of volunteers, and was thereupon commissioned captain by Governor Morton. His subsequent achievements in the science of arms were characterized by a series of brilliant victories, which were rewarded by well-earned promotions, until he was finally breveted Major-General. Before he had reached the age of thirty years he was commander of a division, and in all of the many notable engagements in which he bore a conspicuous part it is recorded to his credit that he never lost a battle or a skirmish. Going into the war almost at its beginning he was present at the surrender of Lee at Appomattox, where he shared the honors of the victorious hosts, and was personally complimented by President Lincoln.

In civil life General Foster occupied many positions of public trust. He had an unusually high sense of honor, his integrity was never questioned, and he was generally beloved. He was a stranger to intrigue, and although his courage had been tested and proved on many fields of carnage, his great nature was marked by unvarying kindness and gentleness.

He was a native of Indiana and thoroughly loyal to its every interest. He achieved distinction by the force of merit, but, secure in all the honors he had so worthily won, he was so modest that he rarely made reference to the distinguished services he had rendered his country during the period of the Nation's direst necessities.

As a soldier and as a citizen he was a model type of sturdy American manhood, and the people of Indiana, I am sure, will

mourn with those of us who knew him best in doing honor to his precious memory.

I therefore recommend that during the time his body lies in state at the Capitol, that public business be suspended, so far as practicable, in order that proper respect may be paid to one who served his country with patriotic fidelity in the discharge of every responsibility imposed upon him.

WINFIELD T. DURBIN,
Governor of Indiana.

By the Governor:

DANIEL E. STORMS,
Secretary of State.

(Seal.)

ARBOR DAY, 1903.

There has been within recent years a widespread awakening of interest in reforestation, especially in Indiana, a State favored lavishly by nature with timber resources that to the pioneer seemed limitless and inexhaustible. The rapid development of the agricultural and industrial interests of the State has been accompanied by a sacrifice of our forests, until the people of Indiana have been brought to a realization of the importance of systematic effort with a view to preventing further devastation. There has arisen a patriotic interest in the planting and preservation of trees, which not only furnish the raw material necessary to the maintenance of many of Indiana's most important domestic industries, but perform an invaluable aesthetic function in adding variety and charm to the landscape.

Appropriately, therefore, the State has taken cognizance of the economic necessity of forest restoration and preservation. Forestry laws adapted to the peculiar conditions existing in this State have been enacted. Apparent progress has been made in arousing the people of Indiana to the vast importance, especially to future generations, of that systematic and persistent effort necessary to the ample realization of the possibilities of the soil and climate of our State in the development of timber resources.

In further recognition of the State's interest in this important movement, I, Winfield T. Durbin, Governor of the State of Indiana, do hereby designate and proclaim Friday, April 24, and Friday, October 23, 1903, to be observed as Arbor Days throughout the State, by the planting of trees for the beautification of public and private grounds and highways. And it is hereby recommended that those having charge of public and private schools shall provide for the further celebration of the second date hereby set apart by exercises appropriate thereto.

Done at the Capitol of Indiana, in the city of Indianapolis, this tenth day of April, in the year of our Lord nineteen hundred and three.

WINFIELD T. DURBIN,
Governor of Indiana.

By the Governor:

DANIEL E. STORMS,
Secretary of State.

(Seal.)

PLACING IN EFFECT THE LAWS OF THE SIXTY-THIRD GENERAL ASSEMBLY OF THE STATE OF INDIANA.

Indianapolis, Ind., April 23, 1903.

Whereas, The clerks of the several Circuit Courts in this State have transmitted to the Secretary of State their respective certificates stating the time when the laws of the State of Indiana, passed at the sixty-third regular session of the General Assembly, were received; and

Whereas, By the aforesaid certifications, it appears that the latest filing took place on the 23d day of April, 1903, at nine o'clock in the morning, in the office of the clerk of the Circuit Court of Marion County; now, therefore,

I, Winfield T. Durbin, Governor of the State of Indiana, in accordance with the foregoing facts and in conformity with the provisions of the Constitution and the requirements of the statutes in such cases made and provided, do hereby make procla-

mation announcing the above date and time, to wit, the 23d day of April, 1903, at nine o'clock in the morning, as the date at which the latest filing of said laws took place with said several clerks of said Circuit Courts, and declaring all such laws published and circulated in the several counties of the State by proper authority to be now in full force and effect from the time and date of last filing as hereinbefore mentioned.

In witness whereof, I have hereunto set my hand and caused to be affixed the great seal of Indiana, at the Capitol, in the city of Indianapolis, this 23d day of April, in the year of our Lord nineteen hundred and three, of the State the eighty-seventh, and of the United States the one hundred and twenty-seventh.

WINFIELD T. DURBIN,
Governor of Indiana.

By the Governor:

DANIEL E. STORMS,
Secretary of State.

(Seal.)

MEMORIAL DAY, 1903.

To the People of Indiana:

Custom has established and the law has sanctioned an annual holiday given over to the commemoration of the heroic sacrifices, the unselfish devotion, the unfailing fortitude of the American soldier, who on our country's battlefields has bravely risked his all that invasion might be repelled or rebellion overthrown, and the Republic preserved for the fulfillment of its beneficent mission among men.

It is well that a day be set apart for such a purpose; not merely that the graves of soldiers be made beautiful with flags and flowers, that public recognition may be given of the incalculable contribution the American volunteer soldier has made toward the nation's upbuilding, and that the hearts of our people may be filled with the heroic memories of a militant past, but that a new generation may take closer to heart the duty laid upon it of preserving an

inheritance transmitted by an ancestry which in a great crisis vindicated for all time the right of popular government to endure.

To such purposes as a sacred holiday let us observe Saturday, May 30, 1903.

I would suggest that on this day flags be placed at half mast and that all business be suspended throughout the State that the day may be observed in appropriate manner by the people of Indiana.

Given under my hand and the great seal of the State, in the city of Indianapolis, this 20th day of May, in the year of our Lord nineteen hundred and three.

WINFIELD T. DURBIN,
Governor of Indiana.

By the Governor:

DANIEL E. STORMS,
Secretary of State.

(Seal.)

LABOR DAY, 1903.

Primarily by the energy, the enterprise and the ambition of toilers, Indiana has been transformed from a primeval wilderness into a commonwealth richer in material interests than was the entire Nation at the period of the State's admission to the Union, less than a century ago.

The sanction of our laws has been given to the celebration of a holiday whereby recognition is accorded not merely to the debt of our civilization to those whose toil has made our progress possible, but to the fact that labor is a national and not a factional interest, that labor is not the scorned function of a fixed class, as in countries where the social superstructure is supported on the shoulders of those who toil, but the obligation of a people, diffused throughout our entire citizenship. With us labor is not merely dignified and attended with opportunity, but takes on the nobility of patriotic service, and there is dishonor in voluntary idleness, either of rich or poor.

The community of this interest attains wider recognition as the altruistic spirit, characteristic of a better civilization, takes stronger hold upon our people. Particularly may we congratulate ourselves upon the growth of this spirit in recent years, finding gradual expression not only in humane legislation, but, what is vastly more significant, in an attitude of arbitration and conciliation between hitherto contending elements in our industrial life.

Thankful because at this particular period, labor throughout Indiana finds itself so opportunely situated, with an outlook broadening and brightening, in the belief that there should be general celebration of this general holiday and in compliance with legislative enactment, I hereby designate Monday, September 7th, as Labor Day, and recommend that it be celebrated throughout the State by the suspension of usual occupations, by the display of the national flag in public places, by popular assemblages in honor of this patriotic holiday, and by such other means consistent with the character of the day as may commend themselves to our people.

Done at the Capitol, in Indianapolis, this twenty-fifth day of August, in the year of our Lord one thousand nine hundred and three, of the State the eighty-seventh and of the independence of the United States the one hundred and twenty-seventh.

WINFIELD T. DURBIN,
Governor of Indiana.

By the Governor:

DANIEL E. STORMS,
Secretary of State.

(Seal.)

THANKSGIVING DAY, 1903.

By proclamation of the President of the United States, Thursday, November 26th, has been designated as Thanksgiving Day.

The people of Indiana are therefore respectfully requested to desist from their usual avocations upon that day and to assemble in their accustomed places of worship, there to unitedly give thanks to Almighty God for His bounteous goodness to us as a people.

The people of Indiana have been abundantly blessed with the favor of Providence during the past year. We have been comparatively free from the visitations of fire, flood and pestilence. The soil has yielded generously the treasures of the harvest. Our industrial enterprises have been attended by prosperity. Tranquil relations between employer and employed have generally prevailed. Those movements which are expressive of patriotic, altruistic and religious sentiment have been advanced. The Commonwealth has shared in the increasing strength and greatness of the Nation.

In gratitude commensurate with such blessings, let this day be given over to real thanksgiving, to the custom of home-coming which beautifies this holiday, and to the formal and informal expression of thankfulness to the Almighty for His continued favor.

Given under my hand and the great seal of the State, at the Capitol, this fourth day of November, in the year of our Lord nineteen hundred and three.

WINFIELD T. DURBIN,
Governor of Indiana.

By the Governor:

DANIEL E. STORMS,
Secretary of State.

(Seal.)

DISPATCHES AND LETTERS TO THE AUTHORITIES AT EVANSVILLE, INDIANA, RELATIVE TO THE RIOTS IN THAT CITY ON JULY 6, 1903.

Indianapolis, July 7, 1903.

Hon. Charles G. Covert, Mayor,
Evansville, Indiana:

The law-abiding citizens of Evansville owe it to the good name of their city and State, which has already been stained by lawlessness culminating in deplorable bloodshed, to establish the supremacy of the law by giving to the civil officials the support necessary to the preservation of order. The time has come when it must be decisively determined whether Evansville is capable of self-government when life and property are threatened by the basest elements of her citizenship. Further military demonstration ought not be necessary—will not be necessary if the people assert their supremacy through the civil authorities. I urge you to call a noonday conference of business men, lay this dispatch before them, devise a program of action, and report to me promptly what you propose to do and what further, in your opinion, it is necessary for the State to do in the emergency.

WINFIELD T. DURBIN,
Governor.

Indianapolis, July 8, 1903.

Judge Louis O. Rasch, Evansville, Indiana:

I decline to sanction an arrangement whereby the negro Lee is to be immediately tried at Evansville, under the protection of the military forces of the State. My information, obtained from the medical officers of the State Reformatory, is that the prisoner is suffering from a severe and possibly fatal gunshot wound. How-

ever heinous the crime or seemingly clear the guilt of this man, he is entitled, under the most sacred tenet of our jurisprudence, to a hearing, which he can not have, in the very nature of things, until he has sufficiently recovered to be able to make a defense, if he has one to offer. No grounds should be given for the suspicion that even a guilty man has been railroaded to the gallows to satisfy public sentiment, or that the civil authorities have been influenced, in the determination of their course, by the demonstration of the lawless. I do not wish, by consenting to the program suggested, to confess to the world that in the second city of Indiana the courts may not conduct their procedure in an orderly manner without the presence of troops being necessary for the protection of those charged with the duty of administering justice. Nor do I desire to yield an inch or to compromise for a moment with the mob spirit. Let this man be tried as speedily as his condition will permit, under the safeguards prescribed by our laws. If guilty, he will pay the penalty of murder with his life. If, at any stage of the procedure, it shall appear that there are still those in your city who desire to defy the State in its efforts to exercise the functions conferred upon it by the people, then the State will be ready to give further demonstration of its disposition and its ability to deal with rioters as they deserve.

WINFIELD T. DURBIN,
Governor.

Indianapolis, Ind., July 10, 1903.

Dear Sir: I take it from dispatches appearing in the public press this morning that my attitude with reference to the removal of the negro Lee to Evansville for trial may not be clearly understood. I have not at any time claimed jurisdiction over this prisoner; it would have been usurpation of authority for me to do so. For prudential reasons I suggested—I did not direct—his removal by the sheriff of Knox County from Vincennes to the State Reformatory at Jeffersonville. On grounds fully set forth in my dispatch to you of July 9th I withheld my sanction from any arrangement whereby the State troops would be permitted to remain at Evansville to protect the civil courts during the prog-

ress of an immediate trial in your city, which you informed me was contemplated. I directed that the troops be withdrawn from Evansville as soon as in the opinion of the commanding officer this might be done without endangering public safety. Here my authority and responsibility ends, and that of the court and its officers begins. It is for you to determine when the prisoner shall be returned for trial, and it is for the sheriff of Vanderburgh County to make such provisions for the preservation of peace and order in the community as in his judgment, as a responsible officer, circumstances may require. These provisions should be limited only by the extent of present or prospective danger to constituted authority, if such danger still exists. Nothing could be more salutary, should further disturbance arise, than that the civil authorities should demonstrate their supremacy by stern use of the force they are empowered to employ in resisting lawless efforts at interference with the exercise of their just functions. Nothing could be more unfortunate, as suggested in my dispatch of the 9th, than that there should be a resort to the military arm of the government without the civil authorities first exhausting their resources in an effort to subdue lawlessness. It would be unfortunate in this case, first, because of the confession to the world in general and to the unruly elements in your community in particular that the courts may not conduct their procedure, and peace officers may not effectively assert their authority, unless this be done under military auspices. In all I have done I have had above all else at heart the good name and the future safety of your own community.

Whenever the accused is physically able to make a defense, if he has one to offer, you should not hesitate, in my opinion, to direct that he be brought into court with a view to his speedy trial. Let the sheriff make ample preparations to the end that at this time the civil authorities may be sustained, even if it be necessary for him to swear into duty every law-abiding citizen in the community capable of bearing arms. If it shall be shown that these are not sufficient—and we all know that the lawless in Evansville are an insignificant minority—then back of them stand the militia, active and sedentary, of the entire State, and there shall be no delay or hesitation in sending so much of it as may be required to your support.

In this connection I desire to commend the promptness with which indictments have been returned against alleged participants in the outbreak that resulted in the unfortunate events of July 6th. The blood of the victims of that tragedy is upon the heads of those who forced an issue with the State to which they owed allegiance. The best guarantee of the future safety of life and property in Evansville will be the summary punishment of any and all fomenters of riot whose guilt it is possible to certainly determine.

Very respectfully yours,

WINFIELD T. DURBIN,
Governor of Indiana.

Hon. Louis O. Rasch,
Judge Vanderburgh Circuit Court,
Evansville, Ind.

Indianapolis, Ind., July 14, 1903.

Gentlemen:

I have the honor to acknowledge receipt of your letter of July 11th, protesting against the theory which you have been informed I entertain, that the recent riot at Evansville was the result of agitation against the militia by socialists of your city. In reply, I have given expression to no such belief. The only statement I have made, on which such a rumor should be based, was this: That I was informed, and had reason to believe, that the mob which attacked the State militia at Evansville on the night of July 6th was incited to this action by persons of anarchistic tendencies.

I deem this answer sufficient, and yet I do not feel like passing over, without comment, the fifth paragraph of your communication wherein you refer me to the dictionary for information with reference to the words "socialist" and "anarchist." You will pardon me for saying that while I have in nowise confused the terms, I am not disposed to depend upon the dictionary as a means of determining whether or not certain methods of speech and conduct are anarchistic in their tendencies—using the word in its generally accepted sense—regardless of the political pro-

fessions of those indulging in them. I presume every existing political party was represented in the Evansville mob. Therefore, it is apparent that there may be persons of anarchistic tendencies attached to any party regardless of the particular political philosophy upon which it may be based. Those who denounce the government and defy its authority, who seek to deny to other men the rights guaranteed to them by the spirit and letter of our laws, who would inflict injustice upon others weaker than themselves—all such are anarchistic in their influence regardless of their social position or political profession.

Nothing could be further from my thought than to attempt to make political capital out of the unfortunate occurrences at Evansville. To do so would, in my opinion, be unfair, unjust and unpatriotic. There are some elemental doctrines on which loyal citizens of this Republic will always find themselves in full agreement, the most important of which is well stated in your letter when you say "The laws should be upheld, and when any of them are deemed to be unjust by the people, right and proper methods should be used to abolish them."

Very respectfully yours,

WINFIELD T. DURBIN,
Governor of Indiana.

Mr. Matt Hallenberger, Chairman, and others,
Committee the Socialists' Party,
Evansville, Ind.

To the Members of Company E (Evansville), First Regiment I. N. G., at the Camp of Instruction, Indiana National Guard, August 2, 1903.

I would consider myself derelict in duty were I to permit this camp of instruction to come to a close without embracing the opportunity it offers me as Governor to personally extend to you, on behalf of every loyal and law-abiding citizen of the State, the thanks and felicitations your recent splendid service to the commonwealth has justly earned.

Summoned under authority vested by the people of Indiana in the Governor of the State to the duty of vindicating the law and establishing order in your own community, at a time when not only life and property, but the sacred guarantees of American citizenship were threatened by a mob, the fulfillment of your obligation was attended by circumstances of peculiar trial. You were called upon suddenly to face a riotous assemblage of men dwelling in the shelter of the same flag under which and for the sake of which you were ordered under arms, yet seeking to drag that banner in the dust; men reared in a country dedicated to human liberty, yet striving to batter down the bulwarks which their forefathers and yours, at infinite cost of blood and treasure, had raised between brute force and human rights.

Despite all this, and incredible as it may seem, these rioters were your neighbors, claiming citizenship in the same community. Nothing but a sense of duty lifting you above the thought of self, the same deep consciousness of higher obligation that glorifies our country's history with the martyrdom of those who have suffered and died for the flag's sake, could have impelled and sustained you in your heroic course of conduct.

You bore all day and into the long hours of the night the taunts and jeers of the vicious and the thoughtless, answering senseless insult with a soldier's silence, and cowardly challenge with brave moderation. Yielding your lines patiently before the tumultuous front of a mob, spurred on by the appeals of lawless and violent leaders, you stood at last where further retreat was impossible; then, pushed to the last extremity, in the face of open attack, you gave your ultimate and satisfying answer to the fiat of mob tyranny.

There law spoke to lawlessness in the only language lawlessness can understand, and with convincing emphasis; there all the free and enlightened citizens of this free and enlightened State, speaking through you, their instruments, said to rioters not only in Evansville, but everywhere throughout this commonwealth: "What our forefathers died to establish, that you seek to destroy—individual freedom, justice impartially administered through the orderly processes of law, the right of every man to equal protection under that law. That this priceless inheritance may be preserved

inviolate and bequeathed to our posterity we will fight, and if need be, we will die!"

Behind you in that moment stood every loyal citizen in Indiana; behind you and behind all those who wear the uniform of the Indiana National Guard, in all that you do in defense of the State's integrity, the law's majesty and the honor of the flag, they stand today and will stand forever.

It seems incredible that there should be in all the chorus of commendation your service has elicited, a single discordant note, yet we are face to face with the fact that, living under the flag you follow, and even within the boundaries of this State, there are those who cherish in their hearts a hatred for our institutions and our laws which finds expression in enmity towards those who have patriotically given themselves to the duty of defending the State. I am informed that a speaker standing within the shadow of a court house in Indiana made this statement only a few days ago: "I would rather wear the garb of a convict than the uniform of a militiaman." To the shame of our civilization be it said, that there were those of his hearers so deficient not only in patriotism, but in common decency, that this sentiment was applauded. Members of the National Guard, it is my belief that any one capable of such utterances should get the sort of uniform he likes better than the blue of the American soldier, and that he should get it quick!

There is only one name for talk like this, and that is treason. There is only one name for the man who utters it, or the man who applauds it, and that is traitor. I will go further. No loyal citizen, with sufficient intelligence and information to understand our institutions will ever think, write or speak a word prejudicial to the National Guard. No man possessed of patriotism enough to make him worthy of citizenship in this Republic, will seek, either directly or indirectly, to censure or punish a member of our citizen-soldiery because of his association with the National Guard.

There are 33,809 square miles of territory in Indiana, according to the geographies, but there is not a foot of soil in the State so worthless that it may profitably be devoted to the presence of any man who, in striking at the National Guard, aims beyond this expression of the State's authority, at the laws, the institutions and the very liberties of our people.

A government without the disposition and the ability to defend itself against attack from within or without, would be a government incapable and unworthy of existence. No intelligent citizen, not himself a plotter against the life of his country, would deny that there is a national necessity for the maintenance of military power sufficient to give vitality to the enactments of its legislatures and the decrees of its courts. In the language of George Washington's secretary of war: "Without this vital principle the government would be invaded, or overturned and trampled upon by the bold and ambitious. No government can long hold together unless its arrangements are adequate to its exigencies."

Our forefathers saw that only two courses were open to them. Either a great standing army must be maintained, with forts and garrisons scattered throughout the national domain, or a citizen soldiery must be developed. In the first course they foresaw dangers to the liberties of the people, the second plan they adopted and in the constitution declared that "a well regulated militia is necessary to the existence of a free state." The people of Indiana, in a constitution ordained "to the end that justice be established, public order maintained and liberty perpetuated" decreed that "the militia shall consist of all able-bodied male persons between the ages of eighteen and forty-five years, except such as may be exempted by the laws of the United States or of their State."

It is for this mild plea of military power that those who insult and assault the National Guard would substitute either the sway of the mob or the stern authority of the regular army. It is apparent furthermore that those who profess contempt for the militia of the State must, under the plain language of the constitution, let that contempt begin with themselves.

Soldiers of the National Guard, I have spoken of that for which you stand. Let the consciousness that in your keeping is the security of the State, the majesty of the law and the very liberties of your fellowmen bring you a fuller sense of the dignity of your service. Let all the loyal people of Indiana come to the realization that membership in the National Guard is an honorable distinction, and that the duty it involves is not in any sense child's play. The faces of the men who make up these regiments are youthful, but there are those who have not forgotten that it was an army of

blue-clad "boys" that conquered in the greatest war of history; that the vast majority of those who marched to the defense of the flag out of this capital forty years ago, with the fond admonitions of heroic mothers and the courageous counsel of Governor Morton ringing together in their ears, were nearer childhood than manhood; yet how bravely they fought, how splendidly they triumphed! Remember at all times, as officers and men of Company E remembered in their hour of crucial trial, that the uniform you wear is in itself a badge of honor upon which only your own conduct can bring disgrace; that when you put it on there look down upon you not the forty centuries which greeted Napoleon's soldiers from the pyramids, but uncounted centuries of American history yet to come, the glory of which your honest and faithful service is helping to insure. A responsibility such as this may fitly claim the closest thought and best endeavor of the highest type of the American soldier-citizen. Be worthy of it!

Again, members of Company E, on behalf of the loyal people of Indiana, I thank you and commend your excellent example to every member of the National Guard.

This book should be returned to the Library on or before the last date stamped below.

A fine of five cents a day is incurred by retaining it beyond the specified time.

Please return promptly.